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THE
ELEMENTARY EDUCATION ACT
1870

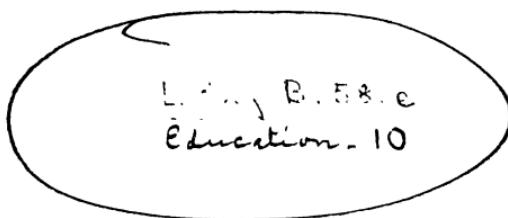
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THE
ELEMENTARY EDUCATION
ACT, 1870

33 & 34 VICTORIA, CAP. 75.

BEING THE ACT TO PROVIDE PUBLIC ELEMENTARY
EDUCATION

IN

ENGLAND AND WALES

WITH A POPULAR ANALYSIS,

AN APPENDIX OF FORMS, AND COPIOUS INDEX,

BY

THOMAS PRESTON.



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P R E F A C E.

THE improvement in the system of Elementary Education which this Act is intended to effect is so vast, and the means by which it is to be accomplished are so novel, the Author is persuaded that a work containing a popular explanation and analysis, together with a complete index of the Act, will prove a valuable book of reference.

The Act is necessarily a long one and the machinery somewhat complicated, but with the aid of a manual such as this it is hoped that those who are interested in carrying out the new scheme will find no serious difficulty in their praiseworthy work.

LONDON, 27th August, 1870.

ELEMENTARY EDUCATION.

33 & 34 VICT., CAP. LXXV.

AN ACT to provide for public Elementary Education in England and Wales. A.D. 1870.

[9th August, 1870.]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,) short title.

Preliminary.

I. This Act may be cited as "The Elementary Education Act, 1870."

II. This Act shall not extend to Scotland or Ireland. Extent of Act.

III. In this Act—

The term "metropolis" means the places for the time being within the jurisdiction of the Metropolitan Board of Works under the Metropolis Management Act, 1855:

The term "borough" means any place for the time being subject to the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, inti-

A.D. 1870

tuled "An Act to provide for the regulation of municipal corporations in England and Wales," and the Acts amending the same :

The term "parish" means a place for which for the time being a separate poor rate is or can be made :

The term "person" includes a body corporate :
The term "Education Department" means "the Lords of the Committee of the Privy Council on Education :"

The term "Her Majesty's inspectors" means the inspectors of schools appointed by Her Majesty on the recommendation of the Education Department :

The term "managers" includes all persons who have the management of any elementary school, whether the legal interest in the schoolhouse is or is not vested in them :

The term "teacher" includes assistant teacher, pupil teacher, sewing mistress, and every person who forms part of the educational staff of a school :

The term "parent" includes guardian and every person who is liable to maintain or has the actual custody of any child :

The term "elementary school" means a school or department of a school at which elementary education is the principal part of the education there given, and does not include any school or department of a school at which the ordinary payments in respect of the instruction, from each scholar, exceed ninepence a-week :

The term "schoolhouse" includes the teacher's dwelling house, and the playground (if any) and the offices and all premises belonging to or required for a school :

The term "vestry" means the ratepayers of a parish meeting in vestry according to law :

The term "ratepayer" includes every person who,

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under the provisions of the Poor Rate Assessment and Collection Act, 1869, is deemed to be duly rated :

The term "parliamentary grant" means a grant made in aid of an elementary school, either annually or otherwise, out of moneys provided by Parliament for the civil service, intituled "For public education in Great Britain."

(I) LOCAL PROVISION FOR SCHOOLS.

IV. For the purposes of this Act the respective districts, boards, rates, and funds, and authorities described in the first schedule to this Act shall be the school district, the school board, the local rate, and the rating authority.

Supply of Schools.

V. There shall be provided for every school district a sufficient amount of accommodation in public elementary schools (as hereinafter defined) available for all the children resident in such district for whose elementary education efficient and suitable provision is not otherwise made, and where there is an insufficient amount of such accommodation, in this Act referred to as "public school accommodation," the deficiency shall be supplied in manner provided by this Act.

VI. Where the Education Department, in the manner provided by this Act, are satisfied and have given public notice that there is an insufficient amount of public school accommodation for any school district, and the deficiency is not supplied as hereinafter required, a school board shall be formed for such district and shall supply such deficiency, and in case of default by the school board the Education Department shall cause the duty of such board to be performed in manner provided by this Act.

VII. Every elementary school which is conducted in accordance with the following regulations shall be

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Regulations
for conduct
of public
elementary
school.

a public elementary school within the meaning of this Act ; and every public elementary school shall be conducted in accordance with the following regulations (a copy of which regulations shall be conspicuously put up in every such school)—namely,

- (1). It shall not be required, as a condition of any child being admitted into or continuing in the school, that he shall attend or abstain from attending any Sunday-school, or any place of religious worship, or that he shall attend any religious observance or any instruction in religious subjects in the school or elsewhere, from which observance or instruction he may be withdrawn by his parent, or that he shall, if withdrawn by his parent, attend the school on any day exclusively set apart for religious observance by the religious body to which his parent belongs :
- (2.) The time or times during which any religious observance is practised or instruction in religious subjects is given at any meeting of the school shall be either at the beginning or at the end or at the beginning and the end of such meeting, and shall be inserted in a time table to be approved by the Education Department, and to be kept permanently and conspicuously affixed in every schoolroom ; and any scholar may be withdrawn by his parent from such observance or instruction without forfeiting any of the other benefits of the school :
- (3.) The school shall be open at all times to the inspection of any of Her Majesty's inspectors, so, however, that it shall be no part of the duties of such inspector to inquire into any instruction in religious subjects given at such school, or to examine any scholar therein in religious knowledge or in any religious subject or book :

A.D. 1870.

- (4.) The school shall be conducted in accordance with the conditions required to be fulfilled by an elementary school in order to obtain an annual parliamentary grant.

Proceedings for Supply of Schools.

VIII. For the purpose of determining with respect to every school district the amount of public school accommodation, if any, required for such district, the Education Department shall, immediately after the passing of this Act, cause such returns to be made as in this Act mentioned, and on receiving those returns, and after such inquiry, if any, as they think necessary, shall consider whether any and what public school accommodation is required for such district, and in so doing they shall take into consideration every school, whether public elementary or not, and whether actually situated in the school district or not, which in their opinion gives, or will when completed give, efficient elementary education to, and is, or will when completed be, suitable for the children of such district.

Determina-
tion by Edu-
cation De-
partment of
deficiency of
public
school ac-
commoda-
tion.

IX. The Education Department shall publish a notice of their decision as to the public school accommodation for any school district, setting forth with respect to such district the description thereof, the number, size, and description of the schools (if any) available for such district, which the Education Department have taken into consideration as above mentioned, and the amount and description of the public school accommodation, if any, which appears to them to be required for the district, and any other particulars which the Education Department think expedient.

Notice by
Education
Department
of public
school ac-
commoda-
tion required

If any persons being either—

- (1.) Ratepayers of the district, not less than ten, or if less than ten being rated to the poor-rate upon a rateable value of not less than one third of the whole rateable value of the district, or,

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(2.) The managers of any elementary school in the district,

feel aggrieved by such decision, such persons may, within one month after the publication of the notice, apply in writing to the Education Department for and the Education Department shall direct the holding of a public inquiry in manner provided by this Act.

At any time after the expiration of such month, if no public inquiry is directed, or after the receipt of the report made after such inquiry, as the case may be, the Education Department may, if they think that the amount of public school accommodation for the district is insufficient, publish a final notice stating the same particulars as were contained in the former notice, with such modifications (if any) as they think fit to make, and directing that the public school accommodation therein mentioned as required be supplied.

Formation
of school
board and
requisition
to provide
schools.

X. If after the expiration of a time, not exceeding six months, to be limited by the final notice, the Education Department are satisfied that all the public school accommodation required by the final notice to be supplied has not been so supplied, nor is in course of being supplied with due despatch, the Education Department shall cause a school board to be formed for the district as provided in this Act, and shall send a requisition to the school board so formed requiring them to take proceedings forthwith for supplying the public school accommodation mentioned in the requisition, and the school board shall supply the same accordingly.

Proceedings
on default
of school
board.

XI. If the school board fail to comply with the requisition within twelve months after the sending of such requisition in manner aforesaid, they shall be deemed to be in default, and if the Education Department are satisfied that such board are in default they may proceed in manner directed by this Act with respect to a school board in default.

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- XIL In the following cases (that is to say),
- (1.) Where application is made to the Education Department with respect to any school district by the persons who, if there were a school board in that district, would elect the school board, or with respect to any borough, by the council;
- (2.) Where the Education Department are satisfied that the managers of any elementary school in any school district are unable or unwilling any longer to maintain such school, and that if the school is discontinued the amount of public school accommodation for such district will be insufficient,

the Education Department may, if they think fit, without making the inquiry or publishing the notices required by this Act before the formation of a school board, but after such inquiry public or other, and such notice as the Education Department think sufficient, cause a school board to be formed for such district, and send a requisition to such school board in the same manner in all respects as if they had published a final notice.

An application for the purposes of this section may be made by a resolution passed by the said electing body after notice published at least a week previously, or by the Council, and the provisions of the second part of the second schedule to this Act with respect to the passing of such resolution shall be observed.

XIII. After the receipt of any returns under this Act subsequently to the first with respect to any school district, and after such inquiry as the Education Department think necessary, the Education Department shall consider whether any and what public school accommodation is required in such district in the same manner as in the case of the first returns under this Act, and where in such district there is no school board acting under this Act they

Proceedings
by Educa-
tion Depart-
ment after
the first
year.

A.D. 1870.

may issue notices and take proceedings in the same manner as they may after the receipt of the first returns under this Act, and where there is a school board in such district they shall proceed in manner directed by this Act.

Management and Maintenance of Schools by School Board.

Management
of school by
school
board.

XIV. Every school provided by a school board shall be conducted under the control and management of such board in accordance with the following regulations:—

- (1.) The school shall be a public elementary school within the meaning of this Act:
- (2.) No religious catechism or religious formulary which is distinctive of any particular denomination shall be taught in the school.

Appoint-
ment of
managers
by school
board.

XV. The school board may, if they think fit, from time to time delegate any of their powers under this Act except the power of raising money, and in particular may delegate the control and management of any school provided by them, with or without any conditions or restrictions, to a body of managers appointed by them, consisting of not less than three persons.

The school board may from time to time remove all or any of such managers and within the limits allowed by this section add to or diminish the number of or otherwise alter the constitution or powers of any body of managers formed by it under this section.

Any manager appointed under this section may resign on giving written notice to the board. The rules contained in the third schedule to this Act respecting the proceedings of bodies of managers appointed by a school board shall be observed.

Neglect by
board of
regulations
of public
elementary
schools.

XVI. If the school board do or permit any act in contravention of or fail to comply with the regulations according to which a school provided by

A.D. 1870

them is required by this Act to be conducted, the Education Department may declare the school board to be and such board shall accordingly be deemed to be a board in default, and the Education Department may proceed accordingly, and every act or omission of any member of the school board, or manager appointed by them, or any person under the control of the board, shall be deemed to be permitted by the board, unless the contrary be proved.

If any dispute arises as to whether the school board have done or permitted any act in contravention of or have failed to comply with the said regulations, the matter shall be referred to the Education Department, whose decision thereon shall be final.

XVII. Every child attending a school provided by any school board shall pay such weekly fee as may be prescribed by the school board, with the consent of the Education Department, but the school board may from time to time, for a renewable period not exceeding six months, remit the whole or any part of such fee in the case of any child when they are of opinion that the parent of such child is unable from poverty to pay the same, but such remission shall not be deemed to be parochial relief given to such parent.

XVIII. The school board shall maintain and keep efficient every school provided by such board, and shall from time to time provide such additional school accommodation as is, in their opinion, necessary in order to supply a sufficient amount of public school accommodation for their district.

A school board may discontinue any school provided by them, or change the site of any such school, if they satisfy the Education Department that the school to be discontinued is unnecessary, or that such change of site is expedient.

If at any time the Education Department are satisfied that a school board have failed to perform

Fees of
children.Main-
tance by
school board
of schools
and suffi-
cient school
accommo-
dation.

A.D. 1870.

their duty, either by not maintaining or keeping efficient every school provided by them, or by not providing such additional school accommodation as in the opinion of the Education Department is necessary in order to supply a sufficient amount of public school accommodation in their district, the Education Department may send them a requisition requiring them to fulfil the duty which they have so failed to perform ; and if the school board fail within the time limited by such requisition, not being less than three months, to comply therewith to the satisfaction of the Education Department, such board shall be deemed to be a school board in default, and the Education Department may proceed accordingly.

Powers of
school board
for providing
schools.

XIX. Every school board for the purpose of providing sufficient public school accommodation for their district, whether in obedience to any requisition or not, may provide, by building or otherwise, schoolhouses properly fitted up, and improve, enlarge, and fit up any schoolhouse provided by them, and supply school apparatus and everything necessary for the efficiency of the schools provided by them, and purchase and take on lease any land, and any right over land, or may exercise any of such powers.

Compulsory
purchase of
sites.

XX. With respect to the purchase of land by school boards for the purposes of this Act the following provisions shall have effect : (that is to say,) (1.)

Regulations
as to the
purchase of
land com-
pulsorily.

The Lands Clauses Consolidation Act, 1845, and the Acts amending the same, shall be incorporated with this Act, except the provisions relating to access to the special Act ; and in construing those Acts for the purposes of this section the special Act shall be construed to mean this Act, and the promoters of the undertaking shall be construed to mean the school board, and land shall be construed to include any right over land :

(2.) The school board, before putting in force any ^{A.D. 1870.} of the powers of the said Acts with respect to the purchase and taking of land otherwise than by agreement, shall—

(a.) Publish, during three consecutive weeks in the months of October and November, or either of them, a notice describing shortly the object for which the land is proposed to be taken, naming a place where a plan of the land proposed to be taken may be seen at all reasonable hours, and stating the quantity of land that they require; and shall further,

(b.) After such publication, serve a notice in manner mentioned in this section on every owner or reputed owner, lessee or reputed lessee, and occupier of such land, defining in each case the particular land intended to be taken, and requiring an answer stating whether the person so served assents, dissents, or is neuter in respect of taking such land;

(c.) Such notice shall be served—

(a.) By delivery of the same personally on the person required to be served, or, if such person is absent abroad, to his agent; or

(b.) By leaving the same at the usual or last known place of abode of such person as aforesaid, or by forwarding the same by post in a registered letter, addressed to the usual or last known place of abode of such person:

(3.) Upon compliance with the provisions con-

A.D. 1870.

Petition to
Education
Department

tained in this section with respect to notices the school board may, if they think fit, present a petition under their seal to the Education Department, praying that an order may be made authorizing the school board to put in force the powers of the said Acts with respect to the purchase and taking of land otherwise than by agreement, so far as regards the land therein mentioned; the petition shall state the land intended to be taken and the purposes for which it is required, and the names of the owners, lessees, and occupiers of land who have assented, dissented, or are neuter in respect of the taking of such land, or who have returned no answer to the notice, and shall be supported by such evidence as the Education Department may from time to time require:

- (4.) If, on consideration of the petition and proof of the publication and service of the proper notices, the Education Department think fit to proceed with the case, they may, if they think fit, appoint some person to inquire in the district in which the land is situate respecting the propriety of the proposed order, and also direct such person to hold a public inquiry:
- (5.) After such consideration and proof, and after receiving a report made upon any such inquiry, the Education Department may make the order prayed for, authorizing the school board to put in force with reference to the land referred to in such order the powers of the said Acts with respect to the purchase and taking of land otherwise than by agreement, or any of them, and either absolutely or with such conditions and modifications as they may think fit, and it shall be the duty of the school board to serve a

A.D. 1870.

copy of any order so made in the manner and upon the persons in which and upon whom notices in respect of the land to which the order relates are required by this Act to be served :

- (6.) No order so made shall be of any validity unless the same has been confirmed by Act of Parliament ; and it shall be lawful for the Education Department, as soon as conveniently may be, to obtain such confirmation, and the Act confirming such order shall be deemed to be a public general Act of Parliament : No order valid until confirmed by Parliament.
- (7.) The Education Department, in case of their refusing or modifying such order, may make such order as they think fit for the allowance of the costs, charges, and expenses of any person whose land is proposed to be taken of and incident to such application and inquiry respectively :
- (8.) All costs, charges, and expenses incurred by the Education Department in relation to any order under this section shall, to such amount as the Commissioners of Her Majesty's Treasury think proper to direct, and all costs, charges, and expenses of any person which shall be so allowed by the Education Department as aforesaid, shall become a charge upon the school fund of the district to which such order relates, and be repaid to the said Commissioners of Her Majesty's Treasury or to such person respectively, by annual instalments not exceeding five, together with interest after the yearly rate of five pounds in the hundred, to be computed from the date of any such direction of the said Commissioners, or allowance of such costs, charges, and expenses respectively upon so much of the Costs how to be defrayed.

A.D. 1870

principal sum due in respect of the said costs, charges, and expenses as may from time to time remain unpaid.

The School Sites Acts as defined in the fourth schedule to this Act shall apply in the same manner as if the school board were trustees or managers of a school within the meaning of those Acts, and land may be acquired under any of the Acts mentioned in this section, or partly under one and partly under another Act.

Purchase of
land by
managers of
public
elementary
school.

XXI. For the purpose of the purchase by the managers of any public elementary school of a schoolhouse for such school, or a site for the same, "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same (except so much as relates to the purchase of land otherwise than by agreement), shall be incorporated with this Act; and in construing those Acts for the purposes of this section the special Act shall be construed to mean this Act, and the promoters of the undertaking shall be construed to mean such managers, and land shall be construed to include any right over land.

The conveyance of any land so purchased may be in the form prescribed by the School Sites Acts, or any of them, with this modification, that the conveyance shall express that the land shall be held upon trust for the purposes of a public elementary school within the meaning of this Act, or some one of such purposes which may be specified, and for no other purpose whatever.

Land may be acquired under the Acts incorporated with this section, or under the School Sites Acts, or any of them, or partly under one and partly under another Act.

Any persons desirous of establishing a public elementary school shall be deemed to be managers for the purpose of this section if they obtain the approval of the Education Department to the establishment of such school.

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Sale or lease
of school-
house.

XXII. The provisions of the Charitable Trusts Acts, 1853 to 1869, which relate to the sale, leasing, and exchange of lands belonging to any charity, shall extend to the sale, leasing, and exchange of the whole or any part of any land or schoolhouse belonging to a school board which may not be required by such board, with this modification, that the Education Department shall for the purposes of this section be deemed to be substituted in those Acts for the Charity Commissioners.

XXIII. The managers of any elementary school in the district of a school board may, in manner provided by this Act, make an arrangement with the school board for transferring their school to such school board, and the school board may assent to such arrangement.

Managers
may transfer
school to
school board

An arrangement under this section may be made by the managers by a resolution or other act as follows: (that is to say,)

- (1.) Where there is any instrument declaring the trusts of the school, and such instrument provides any manner in which or any assent with which a resolution or act binding the managers is to be passed or done, then in accordance with the provisions of such instrument:
- (2.) Where there is no such instrument, or such instrument contains no such provisions, then in the manner and with the assent, if any, in and with which it may be shown to the Education Department to have been usual for a resolution or act binding such managers to be passed or done:
- (3.) If no manner or assent can be shown to have been usual, then by a resolution passed by a majority of not less than two thirds of those members of their body who are present at a meeting of the body summoned for the purpose, and vote on the

A.D. 1870.

question, and with the assent of any other person whose assent under the circumstances appears to the Education Department to be requisite.

And in every case such arrangement shall be made only—

(1 a.) With the consent of the Education Department; and,

(2 a.) If there are annual subscribers to such school, with the consent of a majority, not being less than two thirds in number, of those of the annual subscribers who are present at a meeting duly summoned for the purpose, and vote on the question.

Provided that where there is any instrument declaring the trusts of the school, and such instrument contains any provision for the alienation of the school by any persons or in any manner or subject to any consent, any arrangement under this section shall be made by the persons in the manner and with the consent so provided.

Where it appears to the Education Department that there is any trustee of the school who is not a manager, they shall cause the managers to serve on such trustee, if his name and address are known, such notice as the Education Department think sufficient; and the Education Department shall consider and have due regard to any objections and representations he may make respecting the proposed transfer.

The Education Department shall consider and have due regard to any objections and representations respecting the proposed transfer which may be made by any person who has contributed to the establishment of such school.

After the expiration of six months from the date of transfer the consent of the Education Department shall be conclusive evidence that the arrangement has been made in conformity with this section.

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An arrangement under this section may provide for the absolute conveyance to the school board of all the interest in the schoolhouse possessed by the managers or by any person who is trustee for them or for the school, or for the lease of the same, with or without any restrictions, and either at a nominal rent or otherwise, to the school board, or for the use by the school board of the schoolhouse during part of the week, and for the use of the same by the managers or some other person during the remainder of the week, or for any arrangement that may be agreed on. The arrangement may also provide for the transfer or application of any endowment belonging to the school, or for the school board undertaking to discharge any debt charged on the school not exceeding the value of the interest in the schoolhouse or endowment transferred to them.

When an arrangement is made under this section the managers may, whether the legal interest in the schoolhouse or endowment is vested in them or in some person as trustee for them or the school, convey to the school board all such interest in the schoolhouse and endowment as is vested in them or in such trustee, or such smaller interest as may be required under the arrangement.

Nothing in this section shall authorize the managers to transfer any property which is not vested in them, or a trustee for them, or held in trust for the school; and where any person has any right given him by the trusts of the school to use the school for any particular purpose independently of such managers, nothing in this section shall authorize any interference with such right except with the consent of such person.

Every school so transferred shall, to such extent and during such times as the school board have under such arrangement any control over the school, be deemed to be a school provided by the school board.

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Re-transfer
of school by
school board
to managers.

XXIV. Where any school or any interest therein has been transferred by the managers thereof to the school board of any school district in pursuance of this Act, the school board of such district may, by a resolution passed as hereinafter mentioned, and with the consent of the Education Department, re-transfer such school or such interest therein to a body of managers qualified to hold the same under the trusts of the school as they existed before such transfer to the school board, and upon such re-transfer may convey all the interest in the schoolhouse and in any endowment belonging to the school vested in the school board.

A resolution for the purpose of this section may be passed by a majority of not less than two thirds of those members of the school board who are present at a meeting duly convened for the purpose, and vote on the question.

The Education Department shall not give their consent to any such re-transfer unless they are satisfied that any money expended upon such school out of a loan raised by the school board of such district has been or will on the completion of the re-transfer be repaid to the school board.

Every school so re-transferred shall cease to be a school provided by a school board, and shall be held upon the same trusts on which it was held before it was transferred to the school board.

Miscellaneous Powers of School Board.

Payment of
school fees.

XXV. The school board may if they think fit, from time to time, for a renewable period not exceeding six months, pay the whole or any part of the school fees payable at any public elementary school by any child resident in their district whose parent is in their opinion unable from poverty to pay the same; but no such payment shall be made or refused on condition of the child attending any public elementary school other than such as may be

selected by the parent ; and such payment shall not A.D. 1870. be deemed to be parochial relief given to such parent.

XXVI. If a school board satisfy the Education Department that, on the ground of the poverty of the inhabitants of any place in their district, it is expedient for the interests of education to provide a school at which no fees shall be required from the scholars, the board may, subject to such rules and conditions as the Education Department may prescribe, provide such school, and may admit scholars to such school without requiring any fee.

XXVII. A school board shall have the same powers of contributing money in the case of an industrial school as is given to a prison authority by section twelve of "The Industrial Schools Act, 1866 ;" and upon the election of a school board in a borough the council of that borough shall cease to have power to contribute under that section.

XXVIII. A school board may, with the consent of the Education Department, establish, build, and maintain a certified industrial school within the meaning of the Industrial Schools Act, 1866, and shall for that purpose have the same powers as they have for the purpose of providing sufficient school accommodation for their district : Provided that the school board, so far as regards any such industrial school, shall be subject to the jurisdiction of one of Her Majesty's Principal Secretaries of State in the same manner as the managers of any other industrial school are subject, and such school shall be subject to the provisions of the said Act, and not of this Act.

Constitution of School Boards.

XXIX. The school board shall be elected in School board manner provided by this Act,—in a borough by the persons whose names are on the burgess roll of such borough for the time being in force, and in a parish not situate in the metropolis by the ratepayers.

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Constitution
of school
board.

At every such election every voter shall be entitled to a number of votes equal to the number of the members of the school board to be elected, and may give all such votes to one candidate, or may distribute them among the candidates, as he thinks fit.

The school board in the metropolis shall be elected in manner hereinafter provided by this Act.

XXX. With respect to the constitution of a school board the following provisions shall have effect :

- (1.) The school board shall be a body corporate, by the name of the school board of the district to which they belong, having a perpetual succession and a common seal, with power to acquire and hold land for the purposes of this Act without any licence in mortmain :
- (2.) No act or proceeding of the school board shall be questioned on account of any vacancy or vacancies in their body :
- (3.) No disqualification of or defect in the election of any persons or person acting as members or member of the school board shall be deemed to vitiate any proceedings of such board in which they or he have taken part, in cases where the majority of members parties to such proceedings were duly entitled to act :
- (4.) Any minute made of proceedings at meetings of the school board, if signed by any person purporting to be the chairman of the board, either at the meeting of the board at which such proceedings took place or at the next ensuing meeting of the board, shall be receivable in evidence in all legal proceedings without further proof, and until the contrary is proved every meeting of the school board, in respect of the proceedings of which minutes have been so made, shall

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- be deemed to have been duly convened and held, and all the members thereof to have been duly qualified to act :
- (5.) The members of a school board may apply any money in their hands for the purpose of indemnifying themselves against any law costs or damages which they may incur in or in consequence of the execution of the powers granted to them :
 - (6.) The rules contained in the third schedule to this Act with respect to the proceedings of school boards, and the other matters therein contained, shall be observed.

XXXI. With respect to the election under this Election of
Act of a school board school board, except in the metropolis, the following provisions shall have effect :—

- (1.) The number of members of a school board shall be such number, not less than five nor more than fifteen, as may be determined in the first instance by the Education Department, and afterwards from time to time by a resolution of the school board approved by the Education Department :
- (2.) The regulations contained in the second schedule to this Act with respect to the election and retirement of the members of the school board, and the other matters therein contained, shall be of the same force as if they were enacted as part of this section :
- (3.) The Education Department may, at any time after the date at which they are authorized under this Act to cause a school board to be formed, send a requisition to the mayor or other officer or officers who have power to take proceedings for holding the election requiring him or them to take such proceedings, and the mayor or other officer or officers shall comply with such requisition.

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tion; and in case of default some person appointed by the Education Department may take such proceedings, and shall have for that purpose the same powers as the person in default.

*Non-elect-
tion, &c., of
school board*

XXXII. If from any cause in any school district the school board either are not elected at the time fixed for the first election, or at any time cease to be in existence, or to be of sufficient number to form a quorum by reason of non-election, resignation, or otherwise, or neglect or refuse to act, the Education Department may proceed in the same manner as if there were a school board acting in such district, and that board were a board in default.

*Determina-
tion of dis-
putes as to
the election
of school
boards.*

XXXIII. In case any question arises as to the right of any person to act as a member of a school board under this Act, the Education Department may, if they think fit, inquire into the circumstances of the case, and make such order as they deem just for determining the question, and such order shall be final unless removed by writ of certiorari during the term next after the making of such order.

*Disqualifica-
tion of mem-
ber of board.*

XXXIV. No member of a school board, and no manager appointed by them, shall hold or accept any place of profit the appointment to which is vested in the school board or in any managers appointed by them, nor shall in any way share or be concerned in the profits of any bargain or contract with or any work done under the authority of such school board or managers appointed by them: Provided that this section shall not apply to—

- (1.) Any sale of land or loan of money to a school board; or,
- (2.) Any bargain or contract made with or work done by a company in which such member holds shares;
- (3.) The insertion of any advertisement relating to the affairs of any such school board in any newspaper in which such member has a share or interest,

if he does not vote with respect to such sale, loan, bargain, contract, work, or insertion. A.D. 1870.

Any person who acts in contravention of this section shall be liable, on summary conviction, to a penalty not exceeding fifty pounds, and the said place of profit and his office as member or manager shall be vacant.

XXXV. A school board may appoint a clerk and a treasurer and other necessary officers, including the teachers required for any school provided by such board, to hold office during the pleasure of the board, and may assign them such salaries or remuneration (if any) as they think fit, and may from time to time remove any of such officers; but no such appointment shall be made, except at the first meeting of such board, unless notice in writing has been sent to every member of the board.

Two or more school boards may arrange for the appointment of the same person to be an officer to both or all such boards.

Such officers shall perform such duties as may be assigned to them by the board or boards who appoint them.

XXXVI. Every school board may, if they think fit, appoint an officer or officers to enforce any bye-laws under this Act with reference to the attendance of children at school, and to bring children who are liable under the Industrial Schools Act, 1866, to be sent to a certified industrial school before two justices in order to their being so sent, and any expenses incurred under this section may be paid out of the school fund.

School Board in Metropolis.

XXXVII. The provisions of this Act with respect to the formation and the election of school boards in boroughs and parishes shall not extend to the metropolis; and with respect to a school board in the metropolis the following provisions shall have effect:

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- (1.) The school board shall consist of such number of members elected by the divisions specified in the fifth schedule to this Act as the Education Department may by order fix :
- (2.) The Education Department, as soon as may be after the passing of this Act, shall by order determine the boundaries of the said divisions for the purposes of this Act, and the number of members to be elected by each such division :
- (3.) The provisions of this Act with respect to the constitution of the school board shall extend to the constitution of the school board under this section, and the name of the school board shall be the School Board for London :
- (4.) The first election of the school board shall take place on such day, as soon as may be after the passing of this Act, as the Education Department may appoint, and subsequent elections shall take place in the month of November every third year on the day from time to time appointed by the school board :
- (5.) At every election for each division every voter shall be entitled to a number of votes equal to the number of the members of the school board to be elected for such division, and may give all such votes to one candidate, or may distribute them among the candidates, as he thinks fit :
- (6.) Subject to the provisions contained in this section and in any order made by the Education Department under the power contained in the second schedule to this Act, the members of the board shall, in the city of London, be elected by the same persons and in like manner as common councilmen

are elected, and in the other divisions of the metropolis shall be elected by the same persons and in the same manner as vestrymen under The Metropolis Management Act, 1855, and the Acts amending the same; and, subject as aforesaid, the Acts relating to the election of common councilmen, and sections fourteen to nineteen, and twenty-one to twenty-seven, all inclusive, of The Metropolis Management Act, 1855, and section thirty-six of The Metropolis Management Amendment Act, 1862, shall, so far as is consistent with the tenor thereof, apply in the case of the election of members of the school board :

- (7.) The school board shall proceed at once to supply their district with sufficient public school accommodation, and any requisition sent by the Education Department to such board may relate to any of the divisions mentioned in the fifth schedule to this Act in like manner as if it were a school district, and it shall not be necessary for the Education Department to publish any notices before sending such requisition :
- (8.) The Education Department may, in the order fixing the boundaries of such divisions, name some person who shall be the returning officer for the purposes of the first election of the school board, and the person who is to be the deputy returning officer in each such division :
- (9.) The chairman of the school board shall be elected by the school board, and any chairman who may be elected by the board may be elected either from the members of the board or not, and any chairman who is not an elected member of the board shall, by virtue of his office, be a member of the board as if he had been so elected :

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- (10.) The school board shall apportion the amount required to be raised to meet the deficiency in the school fund among the different parts of the metropolis mentioned in the third column of the first schedule to this Act in proportion to the rateable value of such parts as shown by the valuation lists for the time being in force under The Valuation (Metropolis) Act, 1869, or, if any amount is so required before any such valuation list comes into force, in the same proportion and according to the same basis in and according to which the then last rate made by the Metropolitan Board of Works was assessed:
- (11.) For obtaining payment of the amount specified in any precept sent by the school board to the rating authority for any part of the metropolis, the school board, in addition to any other powers and remedies, shall have the like powers as the Metropolitan Board of Works have for obtaining payment of any sum assessed by them on the same part of the metropolis.

Payment of
chairman.

XXXVIII. The school board for London may pay to the chairman of such board such salary as they may from time to time, with the sanction of the Education Department, fix.

Alteration
of number
of members.

XXXIX.—If at any time application is made to the Education Department by the school board for London, or by any six members of that board, and it is shown to the satisfaction of the Education Department that the population of any of the divisions mentioned in the fifth schedule to this Act, as shown by any census taken under the authority of Parliament, has varied materially from that shown by the previous census, or that the rateable value of any of the said divisions has materially varied from the rateable value of the same division ten years pre-

viously, the Education Department, after such inquiry as they think necessary, may, if they think fit, make an order altering, by way of increase or decrease, the number of members of that and any other division.

A.D. 1876.

United School Districts.

XL. Where the Education Department are of ^{Formation} by Educa-
opinion that it would be expedient to form a school tion Depart-
district larger than a borough or a parish or any ment of
school district formed under this Act, they may, united dis-
except in the metropolis, by order made after such tricts.
inquiry and notice as hereinafter mentioned, form a
united school district by uniting any two or more
adjoining school districts, and upon such union
cause a school board to be formed for such united
school district.

A united school district shall for all the purposes of this Act be deemed to be a school district, and shall throughout this Act be deemed to be substituted for the school districts out of which it is constituted, and the school board of the united school district shall be the school board appointed under this Act, and the local rate and rating authority for the united district shall be in each of the constituent districts thereof the same as if such constituent district did not form part of the united school district.

XLI. The Education Department, as soon as ^{Conditions} of formation
may be after the passing of this Act, may cause in- ^{of district.}
quiry to be made into the expediency of uniting any
two or more school districts, and if after such in-
quiry they are of opinion that it would be expedient
to unite any such school districts, they shall in the
notice of their decision as to the public school ac-
commodation for such districts state that they pro-
pose to unite such districts, and the provisions of
this Act with respect to the application for a public
inquiry by persons aggrieved by the said notice, and

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to the holding of such public inquiry, and to the final notice, shall apply in the case of the proposed union of districts, with this qualification, that it shall not be necessary to cause a public inquiry to be held with respect to the union of districts until after the expiration of the period allowed by the final notice for the supply of the school accommodation. The order for the union may be made at the time when the Education Department are first authorized to cause a school board to be formed or subsequently. Where a union of districts is proposed the Education Department shall consider whether any public school accommodation is required for the area proposed as the united district instead of for each of the districts constituting such area, and their decision as to the public school accommodation and the notice of such decision shall accordingly refer to such area, and not separately to each of the constituent districts.

As to dissolution of united school district.

XLII. The Education Department may, by order made after such inquiry and notice as hereinafter mentioned, dissolve a united school district, and may deal with the constituent districts thereof in the same manner as if they had never been united, and may cause school boards to be elected therein.

Public inquiry as to united district in future.

XLIII. The Education Department may at any time, after any proceedings after the first returns under this Act, if they think fit, cause inquiry to be made into the expediency of forming or dissolving a united school district, and where they propose at any time after such inquiry to form or dissolve a united school district, they shall publish notice of the proposed order not less than three months before the order is made; the like persons as are authorized to apply for a public inquiry after the first returns made under this Act may, if they feel aggrieved by the proposed order, apply in like manner for a public inquiry, and the Education Department shall cause a public inquiry to be held, and shall consider the

report made to them upon such inquiry before they make the order for such formation or dissolution. A.D. 1870.

XLIV. Any order of the Education Department forming or dissolving a united district shall be evidence of the formation or dissolution of such district, and after the expiration of three months from the date of such order the district shall be presumed to have been duly formed or dissolved, as the case may be, and no objection to the formation or dissolution thereof shall be entertained in any legal proceedings whatever. Order to be evidence of formation or dissolution.

XLV. The provisions in this Act respecting the constitution of the school board shall apply to the constitution of the school board in a united school district, and the name of the district shall be such as may be prescribed by the Education Department. Constitution of school board in united school district.

XLVI. In a united school district the school board shall be such number of members elected by the electors of the district as may be specified in the order forming the district, subject nevertheless to alteration in the same manner as in the case of any other school board; and every person who in any of the districts constituting such united district would be entitled if it were not united to vote at the election of members of a school board for such constituent district shall be an elector for the purposes of this section, and the provisions of this Act respecting the election of a school board in a district shall extend to the election of such members. Election of school board in united school district.

XLVII. Where any part of a proposed united school district includes any district or part of a district in which there is a school board already acting under this Act, or where a united school district is dissolved, the Education Department may by order dissolve the then existing school board, or make all necessary changes in the constitution of such existing school board, and may by order make proper arrangements respecting the schools, property, rights, and liabilities of such board, and all arrangements which may be necessary. Arrangements on formation of united district.

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As to small parishes.

XLVIII. If the Education Department are of opinion that any parish in a united school district has too few ratepayers to be entitled to act as a separate parish for the purposes of this Act, they may by order direct that it shall for the purpose of voting for a member or members of the school board, and for all or any of the purposes of this Act, be added to another parish, and thereupon the persons who would be entitled to vote and attend the vestry if it were a parish shall be entitled for the purpose of voting and for such purposes to vote in and attend the vestry of the parish to which their parish is so added. All the parishes comprised in a united district, or any two or more of them, may be added together in pursuance of this section.

Contributory Districts.

Contributory district.

XLIX. The Education Department may by order direct that one school district shall contribute towards the provision or maintenance of public elementary schools in another school district or districts, and in such case the former (or contributing district) shall pay to the latter (or school-owning district or districts) such proportion of the expenses of such provision or maintenance or a sum calculated in such manner as the Education Department may from time to time prescribe.

Election of members by contributory district.

L. Where one school district contributes to the provision or maintenance of any school in another school district, such number of persons as the Education Department (having regard to the amount to be contributed by the contributing district) direct shall be elected in the contributing district, and shall be members of the school board of the school-owning district, but such last-mentioned district shall, except so far as regards the raising of money and the attendance of children at school, be deemed alone to be the district of such school board; such members shall be elected by the school board, if any, or, if there is

none, by the persons who would elect a school board A.D. 1870.
if there were one, in the same manner as a school
board would be elected.

LI. The provisions of this Act with respect to Notices and the notices to be published, and the application for public inquiry as and the holding of a public inquiry in the case of an order for the formation of an united district, shall apply, mutatis mutandis, to an order respecting a contributory district.

An order respecting a contributory district shall be evidence of the formation of such district, and after the expiration of three months from the date thereof shall be presumed to have been duly made, and no objection to the legality thereof shall be entertained in any legal proceeding whatever.

Any such order may be revoked or altered by an order of the Education Department, and a new order may be made in lieu thereof, and all the provisions of this Act respecting the making of an order for contribution shall apply to the making of an order for the revocation or alteration of an order for contribution.

LII. The school boards of any two or more school districts, with the sanction of the Education Department, may combine together for any purpose relating to elementary schools in such districts, and in particular may combine for the purpose of providing, maintaining, and keeping efficient schools common to such districts. Such agreements may provide for the appointment of a joint body of managers under the provisions of this Act with respect to the appointment of a body of managers, and for the proportion of the contributions to be paid by each school district, and any other matters which, in the opinion of the Education Department, are necessary for carrying out such agreement, and the expenses of such joint body of managers shall be paid in the proportions specified in the agreement by each of the school boards out of their school fund.

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School fund
of school
board.*Expenses.*

LIII. The expenses of the school board under this Act shall be paid out of a fund called the school fund. There shall be carried to the school fund all moneys received as fees from scholars, or out of moneys provided by Parliament, or raised by way of loan, or in any manner whatever received by the school board, and any deficiency shall be raised by the school board as provided by this Act.

Deficiency of
school fund
raised out
of rates.

LIV. Any sum required to meet any deficiency in the school fund, whether for satisfying past or future liabilities, shall be paid by the rating authority out of the local rate.

The school board may serve their precept on the rating authority, requiring such authority to pay the amount specified therein to the treasurer of the school board out of the local rate, and such rating authority shall pay the same accordingly, and the receipt of such treasurer shall be a good discharge for the amount so paid, and the same shall be carried to the school fund.

If the rating authority have no moneys in their hands in respect of the local rate, they shall, or if they have paid the amount then for the purpose of reimbursing themselves they may, notwithstanding any limit under any Act of Parliament or otherwise, levy the said rate, or any contributions thereto, or any increase of the said rate or contributions, and for that purpose shall have the same powers of levying a rate and requiring contributions as they have for the purpose of defraying expenses to which the local rate is ordinarily applicable.

Apportion-
ment of
school fund
in united
and contrib-
utory dis-
trict.

LV. In a united district the school board shall apportion the amount required to meet the deficiency in the school fund among the districts constituting such united district in proportion to the rateable value of each such constituent district, and may raise the same by a precept sent to the rating authority of each constituent district.

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Where one school district contributes to the expenses of the schools in another school district, the authority of the school-owning district may send their precept either to the school board, if any, or to the rating authority of the contributing district, requiring them to pay to their treasurer the amount therein specified, and such authority or board shall pay the same accordingly, and the receipt of the treasurer shall be a good discharge for the same, and such amount, if paid by the school board, shall be paid out of the school fund.

The precept, if sent to the rating authority, either on the default of the school board or otherwise, shall be deemed to be a precept for meeting a deficiency in the school fund, and the provisions of this Act shall apply accordingly.

LVI. In either of the following cases, that is to say,

- (1.) If the rating authority of any place make default in paying the amount specified in any precept of the school board; or
- (2.) Where a school board require to raise a sum from any place which is part of a parish, then, without prejudice to any other remedy, the school board may appoint an officer or officers to act within such place; and the officer or officers so from time to time appointed shall have within the said place, for the purpose of defraying the sum due from such place, all the powers of the rating authority of levying the local rate and any contributions thereto, and also all the powers of making and levying a rate which he or they would have if the said place were a parish, and such rate were a rate for the relief of the poor, and he or they were duly appointed an overseer or overseers of such parish, and he and they shall have such access to and use of the documents of the rating authority of such place relative to the local rate, and of all the valuation lists and rate books of the parish or parishes comprised in or comprising such place, as he or they may require.

Remedy of
school board
on default of
rating autho-
rity, &c.

A.D. 1870.

Borrowing
by school
board.

LVII. Where a school board incur any expense in providing or enlarging a schoolhouse, they may, with the consent of the Education Department, spread the payment over several years, not exceeding fifty, and may for that purpose borrow money on the security of the school fund and local rate, and may charge that fund and the local rate with the payment of the principal and interest due in respect of the loan. They may, if they so agree with the mortgagee, pay the amount borrowed, with the interest, by equal annual instalments, not exceeding fifty, and if they do not so agree, they shall annually set aside one fiftieth of the sum borrowed as a sinking fund.

10 & 11 Vict., c. 16. For the purpose of such borrowing the clauses of The Commissioners' Clauses Act, 1847, with respect to the mortgages to be executed by the commissioners, shall be incorporated with this Act; and in the construction of those clauses for the purpose of this Act, this Act shall be deemed to be the special Act, and the school board which is borrowing shall be deemed to be the commissioners.

The Public Works Loan Commissioners may, on the recommendation of the Education Department, lend any money required under this section on the security of the school fund and local rate without requiring any further or other security, such loan to be repaid within a period not exceeding fifty years, and to bear interest at the rate of three and a half per centum per annum.

Borrowing
by school
board for
London.

LVIII. Any sum borrowed by the school board for London in pursuance of this Act, with the approval of the Education Department, may be borrowed from and may be lent by the Metropolitan Board of Works, and section thirty-seven of The Metropolitan Board of Works Loan Act, 1869, shall apply to such loan in the same manner as if the managers therein mentioned were the school board for London, and there were added to the sum there-

in authorized to be borrowed the sum authorized by ^{A.D. 1870.}
the Education Department to be borrowed under
this section.

Accounts and Audit.

LIX. The accounts of the school board shall be ^{Accounts to be made up and examined.} made up and balanced to the twenty-fifth of March and twenty-ninth of September in every year. The accounts shall be examined by the school board and signed by the chairman within fourteen days after the day to which they are made up.

As soon as practicable after the accounts are so signed they shall be audited.

LX. With respect to the audit of accounts of the school board the following provisions shall have ^{Audit of accounts} effect :

- (1.) The auditor shall be the auditor of accounts relating to the relief of the poor for the audit district in which the school district is situate, or if it is situate in more than one audit district by the auditor of such of the said audit districts as the Poor-law Board may direct, and the term audit district in this provision shall be construed to include a parish for which an auditor is separately appointed to audit the accounts for the relief of the poor. The auditor shall receive such remuneration as the Poor-law Board direct, and such remuneration, together with the expenses of or incident to the audit, shall be paid by the school board out of the school fund, and if unpaid may be recovered in a summary manner :
- (2.) The audit shall be held at the office of the school board, or some other place sanctioned by the Poor-law Board within the school district, or within the union within which the school district or some part thereof is situate, and at a time which is fixed by

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- the auditor, but which shall be as soon as may be after the account is signed by the chairman :
- (3.) The auditor, at least fourteen days before holding the audit, shall serve on the school board, and publish notice of the time and place of holding the same :
 - (4.) The clerk of the school board, or some person authorized by the school board, shall attend the audit, and produce to the auditor all books, bills, vouchers, and documents relating to the account :
 - (5.) Any ratepayer of the school district may be present at the audit, and may object to the account :
 - (6.) The auditor shall, as nearly as may be, have the like powers and be under the like obligation to allow and disallow items in the account, and to charge the school board, or any member or officer thereof, or any person accountable to them or him, with any sum for which they or he may be accountable, as in the case of an audit of the accounts relating to the relief of the poor in any union or parish ; and any person aggrieved by the decision of the auditor shall have the like rights and remedies as in the case of such last-mentioned audit :
 - (7.) The auditor shall have the like powers of requiring the attendance of persons, the production of books, bills, vouchers, and documents, and a declaration respecting vouchers and documents, as in the case of such last-mentioned audit ; and any person who refuses or neglects to comply with any such requisition, or wilfully makes or signs a false declaration so required, shall be liable to the same penalties as in the case of such last-mentioned audit :

- (8.) Any moneys, books, documents, and chattels certified by the auditor to be due from any person may be recovered from such person in like manner as in the case of such last-mentioned audit, and the expenses incurred in such recovery shall be deemed to be part of the expenses of the audit : A.D. 1870.
- (9.) Subject to the provisions of this section, the Poor-law Board may from time to time make such regulations as may be necessary respecting the form of keeping the accounts and the audit thereof.

LXI. Any member or officer of a school board, or manager appointed by them, who authorizes or makes, or concurs in authorizing or making, any payment or any entry in accounts for the purpose of defraying or making up to himself or any other person the whole or any part of any sum of money unlawfully expended from the school fund, or disallowed or surcharged by any auditor, shall, on summary conviction, be liable to pay a penalty not exceeding twenty pounds and double the amount of such sum. Penalty for
improper
payment of
surcharge.

LXII. When the auditor has completed the audit he shall sign the balance sheet. Publication
of accounts.]

The school board shall cause a statement showing their receipts and expenditure to be printed in such form and with such particulars as may be from time to time prescribed by the Education Department, and shall send the same within thirty days after the balance sheet is signed by the auditor to each member of the rating authority, and to the overseers of every parish in the district, and to the Education Department; and the school board may, if they think fit, publish such statement or an abstract thereof in any local newspaper or newspapers circulating in the district, and shall furnish a copy of such statement to any ratepayer in the district, on his application, and on the payment of a sum not exceeding sixpence.

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Proceedings
on default
by school
board.

Defaulting School Board.

LXIII Where the Education Department are, after such inquiry as they think sufficient, satisfied that a school board is in default as mentioned in this Act, they may by order declare such board to be in default, and by the same or any other order appoint any persons, not less than five or more than fifteen, to be members of such school board, and may from time to time remove any member so appointed, and fill up any vacancy in the number of such members, whether caused by removal, resignation, death, or otherwise, and, subject as aforesaid, add to or diminish the number of such members.

After the date of the order of appointment the persons (if any) who were previously members of the school board shall be deemed to have vacated their offices as if they were dead, but any such member may be appointed a member by the Education Department. The members so appointed by the Education Department shall be deemed to be members of the school board in the same manner in all respects as if, by election or otherwise, they had duly become members of the school board under the other provisions of this Act, and may perform all the duties and exercise all the powers of the school board under this Act.

The members appointed by the Education Department shall hold office during the pleasure of the Education Department, and when that Department consider that the said default has been remedied, and everything necessary for that purpose has been carried into effect, they may, by order, direct that members be elected for the school board in the same manner as in the case of the first formation of the school board. After the date fixed by any such order the members appointed by the Education Department shall cease to be members of the school board, and the members so elected shall be members

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of the school board in their room, but the members appointed by the Education Department shall not be disqualified from being so elected. Until any such order is made no person shall become a member of the school board otherwise than by the appointment of the Education Department.

Where a school board is not elected at the time fixed for the first election, or has ceased to be in existence, the Education Department may proceed in the same manner as if such board had been elected and were in existence.

LXIV. The Education Department may from time to time certify the appointment of any persons appointed to be members of a school board in default, and the amount of expenses that have been incurred by such persons, and the amount of any loan required to be raised for the purpose of defraying any expenses so incurred, or estimated as about to be incurred; and such certificate shall be conclusive evidence that all the requirements of this Act have been duly complied with, and that the persons so appointed have been duly appointed, and that the amounts therein mentioned have been incurred or are required.

LXV. The expenses incurred in the performance of their duties by the persons appointed by the Education Department to be members of a school board, including such remuneration (if any) as the Education Department may assign to such persons, shall, together with all expenses incurred by the board, be paid out of the school fund; and any deficiency in the school fund may be raised by the school board as provided by this Act; and where the Education Department have, either before or after the payment of such expenses, certified that any expenses have been incurred by a school board, or any members appointed by them, such expenses shall be deemed to have been so incurred, and to have been properly paid out of the school fund.

Certificate of
Education
Department
as to ap-
pointment,
expenses,
and loans.

Expenses
incurred on
default.

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Where the members of a school board have been appointed by the Education Department, such school board shall not borrow or charge the school fund with the principal and interest of any loan exceeding such amount as the Education Department certify as mentioned in this Act to be required.

Dissolution
of school
boards.

LXVI. Where the Education Department are of opinion that in the case of any school district the school board for such district are in default, or are not properly performing their duties under this Act, they may by order direct that the then members of the school board of such district shall vacate their seats, and that the vacancies shall be filled by a new election; and after the date fixed by any such order the then members of such board shall be deemed to have vacated their seats, and a new election shall be held in the same manner, and the Education Department shall take the same proceedings for the purpose of such election as if it were the first election; and all the provisions of this Act relating to such first election shall apply accordingly.

The Education Department shall cause to be laid before both Houses of Parliament in every year a special report stating the cases in which they have made any order under this section during the preceding year, and their reasons for making such order.

Returns
by local
authority.*Returns and Inquiry.*

LXVII. On or before the first day of January one thousand eight hundred and seventy-one, or in the case of the metropolis before the expiration of four months from the date of the election of the chairman of the school board, every local authority hereinafter mentioned, and subsequently any such local authority whenever required by the Education Department, but not oftener than once in every year, shall send to the Education Department a return containing such particulars with respect to the elementary schools and children requiring elementary

education in their district as the Education Department may from time to time require. A.D. 1870.

LXVIII. For the purpose of obtaining such returns the Education Department shall draw up forms, and supply to the local authority such number of forms as may be required; and the managers or principal teacher of every school required to be included in any such return shall fill up the form, and return the same to the local authority within the time specified in that behalf in the form. Mode of obtaining returns.

LXIX. The returns shall be made in the metropolis by the school board appointed under this Act, Local authority to make returns. in boroughs by the council, and in every parish not situated in a borough or the metropolis by persons appointed for the purpose or by the overseers of such parish. Where a school board is formed under this Act, the returns shall be made by such school board within their district, instead of by the council, persons appointed as aforesaid, or overseers, as the case may be.

The persons appointed for the purpose may be appointed as follows: namely, the Education Department may, if they think fit, send to the overseers or other officers who have power to summon a vestry in such parish a requisition to summon, and such overseers or other officers shall summon, a vestry in such parish for the purpose of this section; and such vestry shall appoint two or more persons who shall be the local authority for the purpose of the returns under this Act.

The local authority may, with the sanction of the Education Department, employ persons to assist in making such returns, and may pay those persons such remuneration as the Treasury may sanction. That remuneration, and all such other reasonable expenses incurred by the local authority in making such returns as the Treasury may sanction, shall be paid by the Education Department.

LXX. If any local authority fail to make the re-

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Proceedings
on default
of authority
to make re-
turns.

Inquiry by
inspectors of
Education
Department.

Refusal to
fill up forms
and to admit
inspectors.

Public
inquiry.

turns required under this Act, the Education Department may appoint any person or persons to make such returns, and the person or persons so appointed shall for that purpose have the same powers and authorities as the local authority.

LXXI. The Education Department may appoint any persons to act as inspectors of returns, who shall proceed to inquire into the accuracy and completeness of any one or more returns made in pursuance of this Act, and into the efficiency and suitability of any school mentioned in any such return, or which ought to have been mentioned therein, and to inspect and examine the scholars in every such school. Where there is no return the inspector shall proceed as if there had been a defective return.

LXXII. If the managers or teacher of any school refuse or neglect to fill up the form required for the said return, or refuse to allow the inspector to inspect the schoolhouse or examine any scholar, or examine the school books and registers, or make copies or extracts therefrom, such school shall not be taken into consideration among the schools giving efficient elementary education to the district.

Public Inquiry.

LXXIII. Where a public inquiry is held in pursuance of the provisions of this Act the following provisions shall have effect :

- (1.) The Education Department shall appoint some person who shall proceed to hold the inquiry :
- (2.) The person so appointed shall for that purpose hold a sitting or sittings in some convenient place in the neighbourhood of the school district to which the subject of inquiry relates, and thereat shall hear, receive, and examine any evidence and information offered, and hear and inquire into any objections or representations made re-

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specting the subject of the inquiry, with power from time to time to adjourn any sitting.

Notice shall be published in such manner as the Education Department direct of every such sitting (except an adjourned sitting) seven days at least before the holding thereof :

- (3.) The person so appointed shall make a report in writing to the Education Department setting forth the result of the inquiry, and stating his opinion on the subject thereof, and his reasons for such opinion, and the objections and representations, if any, made on the inquiry, and his opinion thereon ; and the Education Department shall cause a copy of such report to be deposited with the school board (if any), or, if there is none, the town clerk of the borough, or the churchwardens or overseers of the parishes to which the inquiry relates, and notice of such deposit to be published :
- (4.) The Education Department may make an order directing that the costs of the proceedings and inquiry shall be paid, according as they think just, either by the district as if they were expenses of a school board, or by the applicants for the inquiry ; and such costs may be recovered, in the former case, as a debt due from the school board, or, if there is no school board, as a debt due from the rating authority, and, in the case of the applicants, as a debt due jointly and severally from them ; and the Education Department may, if they think fit, before ordering the inquiry to be held, require the applicants to give security for such expenses, and in case of their refusal may refuse to order the inquiry to be held.

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**As to attend-
ance of chil-
dren at
school.**

Attendance at School.

LXXIV. Every school board may from time to time, with the approval of the Education Department, make byelaws for all or any of the following purposes :

- (1.) Requiring the parents of children of such age, not less than five years nor more than thirteen years, as may be fixed by the byelaws, to cause such children (unless there is some reasonable excuse) to attend school:
- (2.) Determining the time during which children are so to attend school; provided that no such byelaw shall prevent the withdrawal of any child from any religious observance or instruction in religious subjects, or shall require any child to attend school on any day exclusively set apart for religious observance by the religious body to which his parent belongs, or shall be contrary to anything contained in any Act for regulating the education of children employed in labour :
- (3.) Providing for the remission or payment of the whole or any part of the fees of any child where the parent satisfies the school board that he is unable from poverty to pay the same :
- (4.) Imposing penalties for the breach of any byelaws :
- (5.) Revoking or altering any byelaw previously made.

Provided that any byelaw under this section requiring a child between ten and thirteen years of age to attend school shall provide for the total or partial exemption of such child from the obligation to attend school if one of Her Majesty's inspectors certifies that such child has reached a standard of education specified in such byelaw.

Any of the following reasons shall be a reasonable excuse; namely,

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- (1a.) That the child is under efficient instruction in some other manner :
- (2a.) That the child has been prevented from attending school by sickness or any unavoidable cause :
- (3a.) That there is no public elementary school open which the child can attend within such distance, not exceeding three miles, measured according to the nearest road from the residence of such child, as the byelaws may prescribe.

The school board, not less than one month before submitting any byelaw under this section for the approval of the Education Department, shall deposit a printed copy of the proposed byelaws at their office for inspection by any ratepayer, and supply a printed copy thereof gratis to any ratepayer, and shall publish a notice of such deposit.

The Education Department before approving of any byelaws shall be satisfied that such deposit has been made and notice published, and shall cause such inquiry to be made in the school district as they think requisite.

Any proceeding to enforce any byelaw may be taken, and any penalty for the breach of any byelaw may be recovered, in a summary manner ; but no penalty imposed for the breach of any byelaw shall exceed such amount as with the costs will amount to five shillings for each offence, and such byelaws shall not come into operation until they have been sanctioned by Her Majesty in Council.

It shall be lawful for Her Majesty, by order in Council, to sanction the said byelaws, and thereupon the same shall have effect as if they were enacted in this Act.

All byelaws sanctioned by Her Majesty in Council

c 2

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under this section shall be set out in an appendix to the annual report of the Education Department.

Miscellaneous.

Application
of small en-
dowments.

LXXV. Where any school or any endowment of a school was excepted from The Endowed Schools Act, 1869, on the ground that such school was at the commencement of that Act in receipt of an annual parliamentary grant, the governing body (as defined by that Act) of such school or endowment may frame and submit to the Education Department a scheme respecting such school or endowment.

The Education Department may approve such scheme with or without any modifications as they think fit.

The same powers may be exercised by means of such scheme as may be exercised by means of any scheme under The Endowed Schools Act, 1869; and such scheme, when approved by the Education Department, shall have effect as if it were a scheme made under that Act.

A certificate of the Education Department that a school was at the commencement of The Endowed Schools Act, 1869, in receipt of an annual parliamentary grant shall be conclusive evidence of that fact for all purposes.

Inspection
of volun-
tary schools
by inspector
not one of
Her Ma-
jesty's in-
spectors.

LXXVI. Where the managers of any public elementary school not provided by a school board desire to have their school inspected or the scholars therein examined, as well in respect of religious as of other subjects, by an inspector other than one of Her Majesty's inspectors, such managers may fix a day or days not exceeding two in any one year for such inspection or examination.

The managers shall, not less than fourteen days before any day so fixed, cause public notice of the day to be given in the school, and notice in writing of such day to be conspicuously affixed in the school.

On any such day any religious observance may be

practised, and any instruction in religious subjects given at any time during the meeting of the school, but any scholar who has been withdrawn by his parent from any religious observance or instruction in religious subjects shall not be required to attend the school on any such day.

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LXXVII. Where a parish is situated partly within and partly without a borough, the part situate outside the borough shall be taken to be for all the purposes of this Act, except as otherwise expressly mentioned, a parish by itself, and the rate-payers thereof may meet in vestry in the same manner in all respects as if they were the inhabitants of a parish ; every such meeting, and also the meeting for the purposes of this Act of the ratepayers of any parish (the ratepayers of which have not usually met in vestry), shall be deemed to be a vestry, and, save as provided by this Act, be subject to the Act of the fifty-eighth year of the reign of King George the Third, chapter sixty-nine, and the Acts amending the same, and, subject as aforesaid, shall be summoned by the persons and in the mode prescribed by the Education Department ; and the overseers of the whole parish shall be deemed to be the overseers of any such part of a parish.

LXXVIII. The Education Department shall, for the purposes of The Charitable Trusts Acts, 1853 to 1869, be deemed to be persons interested in any elementary school to which those Acts are applicable, and the endowment thereof.

Education
Department
may apply to
Charity Com-
missioners
under 16 & 17
Vict., c. 137,
&c.

LXXIX. The rateable value of any parish or school district shall for the purposes of this Act be the rateable value as stated in the valuation lists, if any, and if there are none, then as stated in the rate book for the time being in force in such parish and in the parishes constituting the district ; and the overseers and other persons having the custody of such valuation lists and rate book shall, when required by the school board, produce such lists and rate book

Ascertain-
ing rateable
value.

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to the school board, and allow the school board and any person appointed by them to inspect the same, and take copies of or extracts therefrom.

Mode of publication of notices.

LXXX. Notices and other matters required by this Act to be published shall, unless otherwise expressly provided, be published,—

- (1.) By advertisement in some one or more of the newspapers circulating in the district or place to which such notice relates :
- (2.) By causing a copy of such notices or other matter to be published to be affixed, during not less than twelve hours in the day, on Sunday on or near the principal doors of every church and chapel in such district or place to which notices are usually affixed, and at every other place in such district or place at which notices are usually affixed.

Notices may be served by post.

LXXXI. Certificates, notices, requisitions, orders, precepts, and all documents required by this Act to be served or sent may, unless otherwise expressly provided, be served and sent by post, and, till the contrary is proved, shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post ; and in proving such service or sending it shall be sufficient to prove that the letter containing the certificate, notice, requisition, order, precept, or document was prepaid, and properly addressed, and put into the post.

Notices to and by school board.

LXXXII. Certificates, notices, requisitions, orders, and other documents may be served on a school board by serving the same on their clerk, or by sending the same to or delivering the same at the office of such board.

Certificates, notices, requisitions, orders, precepts, and other documents may be in writing or in print, or partly in writing and partly in print, and if requiring authentication by a school board may be signed by their clerk.

LXXXIII. All orders, minutes, certificates, notices, requisitions, and documents of the Education Department, if purporting to be signed by some secretary or assistant secretary of the Education Department, shall, until the contrary is proved, be deemed to have been so signed and to have been made by the Education Department, and may be proved by the production of a copy thereof purporting to have been so signed.

The Documentary Evidence Act, 1868, shall apply to the Education Department in like manner as if the Education Department were mentioned in the first column of the schedule to that Act, and any member of the Education Department, or any secretary or assistant secretary of the Education Department, were mentioned in the second column of that schedule.

LXXXIV. After the expiration of three months from the date of any order or requisition of the Education Department under this Act such order or requisition shall be presumed to have been duly made, and to be within the powers of this Act, and no objection to the legality thereof shall be entertained in any legal proceeding whatever.

LXXXV. A school board may appear in all legal proceedings by their clerk, or by some member of the board authorized by a resolution of the board; and every such resolution shall appear upon the minutes of the proceedings of the board, but every such resolution shall, until the contrary is proved, be deemed in any legal proceeding to appear upon such minutes.

LXXXVI. The provision of the School Sites Acts with respect to the tenure of the office of the schoolmaster or schoolmistress, and to the recovery of possession of any premises held over by a master or mistress who has been dismissed or ceased to hold office, shall extend to the case of any school provided by a school board, and of any master or

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Evidence of
orders, &c.,
of Education
Department

Effect of
requisitions
of Education
Department

Appearance
of school
board.

Tenure of
teacher and
his removal
from house
under sects.
17 and 18 of
4 & 5 Vict.,
c. 38.

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mistress of such school, in the same manner as if the school board were the trustees or managers of the school as mentioned in those Acts.

**Ratepayer,
may inspect
books, &c.,
of school
board.**

LXXXVII. Every ratepayer in a school district may at all reasonable times, without payment, inspect and take copies of and extracts from all books and documents belonging to or under the control of the school board of such district.

Any person who hinders a ratepayer from so inspecting or taking copies of or extracts from any book or document, or demands a fee for allowing him so to do, shall be liable, on summary conviction, to a penalty not exceeding five pounds for each offence.

**Penalty for
making
incorrect
return.**

LXXXVIII. If any returning officer, clerk, or other person engaged in an election of a school board under this Act wilfully makes or causes to be made an incorrect return of the votes given at such election, every such offender shall, upon summary conviction, be liable to a penalty not exceeding fifty pounds.

**Penalty on
personation
of voter.**

LXXXIX. If any person wilfully personates any person entitled to vote in the election of a school board under this Act, or answers falsely any question put to him in voting in pursuance of an order made under the second schedule to this Act, or falsely assumes to act in the name or on the behalf of any person so entitled to vote, he shall be liable, on summary conviction, for every such offence to a penalty not exceeding twenty pounds.

**Penalty for
forging or
falsifying
any voting
paper or
obstructing
the election.**

XC. If any person knowingly personate and falsely assume to vote in the name of any person entitled to vote in any election under this Act, or forge or in any way falsify any name or writing in any paper purporting to contain the vote or votes of any person voting in any such election, or by any contrivance attempt to obstruct or prevent the purposes of any such election, or wilfully contravene any regulation made by the Education Department

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under the second schedule to this Act with respect to the election, the contravention of which is expressed to involve a penalty, the person so offending shall upon summary conviction be liable to a penalty of not more than fifty pounds, and in default of payment thereof to be imprisoned for a term not exceeding six months.

XCI. Any person who at the election of any member of a school board or any officer appointed for the purpose of such election is guilty of corrupt practices shall, on conviction, for each offence be liable to a penalty not exceeding two pounds, and be disqualified for the term of six years after such election from exercising any franchise at any election under this Act, or at any municipal or parliamentary election.

The term corrupt practices in this section includes all bribery, treating, and undue influence which under any Act relating to a parliamentary election renders such election void.

XCII. Any penalty and any money which under this Act is recoverable summarily, and all proceedings under this Act which may be taken in a summary manner, may be recovered and taken before two justices in manner directed by an Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," and the Acts amending the same.

XCIII. In the case of the borough of Oxford, the provisions of this Act relating to boroughs shall be construed as if the local board were therein mentioned instead of the council; if a school board is formed in the borough of Oxford, one third of the school board shall be elected by the university of Oxford, or the colleges and halls therein, in such

Recovery of penalties.

11 & 12 Vict.
c. 43.Provision as
to Oxford.

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Effect of
schedules.Returns by
school boardParliament-
ary grant
to public
elementary
school only.Conditions
of annual
parliament-
ary grant.

manner as may be directed by the Education Department by an order made under the power contained in the second schedule to this Act.

XCIV. The schedules to this Act shall be of the same force as if they were enacted in this Act, and the Acts mentioned in the fourth schedule to this Act may be cited in the manner in that schedule mentioned.

XCV. Every school board shall make such report and returns and give such information to the Education Department as the department may from time to time require.

(II.) PARLIAMENTARY GRANT.

XCVI. After the thirty-first day of March one thousand eight hundred and seventy-one no parliamentary grant shall be made to any elementary school which is not a public elementary school within the meaning of this Act.

No parliamentary grant shall be made in aid of building, enlarging, improving, or fitting up any elementary school, except in pursuance of a memorial duly signed, and containing the information required by the Education Department for enabling them to decide on the application, and sent to the Education Department on or before the thirty-first day of December one thousand eight hundred and seventy.

XCVII. The conditions required to be fulfilled by an elementary school in order to obtain an annual parliamentary grant shall be those contained in the minutes of the Education Department in force for the time being, and shall amongst other matters provide that after the thirty-first day of March one thousand eight hundred and seventy-one—

- (1.) Such grant shall not be made in respect of any instruction in religious subjects :
- (2.) Such grant shall not for any year exceed the income of the school for that year which

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was derived from voluntary contributions, and from school fees, and from any sources other than the parliamentary grant;

but such conditions shall not require that the school shall be in connexion with a religious denomination, or that religious instruction shall be given in the school, and shall not give any preference or advantage to any school on the ground that it is or is not provided by a school board:

Provided that where the school board satisfy the Education Department that in any year ending the twenty-ninth of September the sum required for the purpose of the annual expenses of the school board of any school district, and actually paid to the treasurer of such board by the rating authority, amounted to a sum which would have been raised by a rate of threepence in the pound on the rateable value of such district, and any such rate would have produced less than twenty pounds, or less than seven shillings and sixpence per child of the number of children in average attendance at the public elementary schools provided by such school board, such school board shall be entitled, in addition to the annual parliamentary grant in aid of the public elementary schools provided by them, to such further sum out of moneys provided by Parliament as, when added to the sum actually so paid by the rating authority, would, as the case may be, make up the sum of twenty pounds, or the sum of seven shillings and sixpence for each such child, but no attendance shall be reckoned for the purpose of calculating such average attendance unless it is an attendance as defined in the said minutes:

Provided that no such minute of the Education Department not in force at the time of the passing of this Act shall be deemed to be in force until it has lain for not less than one month on the table of both Houses of Parliament.

XCVIII. If the managers of any school which is

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Refusal of grant to unnecessary schools.

The Education Department shall cause to be laid before both Houses of Parliament in every year a special report stating the cases in which they have refused a grant under this section during the preceding year, and their reasons for each such refusal.

Power of schools to take parliamentary grants.

XCIX. The managers of every elementary school shall have power to fulfil the conditions required in pursuance of this Act to be fulfilled in order to obtain a parliamentary grant, notwithstanding any provision contained in any instrument regulating the trusts or management of their school, and to apply such grant accordingly.

Report.

Annual report of Education Department

C. The Education Department shall in every year cause to be laid before both Houses of Parliament a report of their proceedings under this Act during the preceding year.

FIRST SCHEDULE.

School District.	School Board.	Local Rate.	Rating Authority.
The metropolis. . .	The school board appointed under this Act.	In the City of London the consolidated rate. In the parishes mentioned in schedule A. and the districts mentioned in schedule B. to the Metropolis Management Act, 1855, the general rate, and fund raised by the general rate. In places mentioned in schedule C. to the said Act, treasurer, governors, or the rate levied for the purposes of the Metropolitan Poor Act, 1867, and any in such place. Act amending the same.	The commissioners of sewers. In the parishes the vestry, and in the districts the district board. The masters of the bench, the borough fund or borough rate. Rate leviable by the local board. The poor rate.
Boroughs, except Oxford.	The school board appointed under this Act.	The school board appointed under this Act.	The council.
District of the local board of Oxford.	The school board appointed under this Act.	The school board appointed under this Act.	The local board.
Parishes not included in any of the above-mentioned districts.			The overseers.

SECOND SCHEDULE.

FIRST PART.

*Rules respecting Election and Retirement of
Members of a School Board.*

1. The election of a school board shall be held at such time, and in such manner, and in accordance with such regulations as the Education Department may from time to time by order prescribe, and the Education Department may by order appoint or direct the appointment of any officers requisite for the purpose of such election, and do all other necessary things preliminary or incidental to such election: Provided, that any poll shall be taken in the metropolis in like manner as a poll is taken under The Metropolis Management Act, 1855, and shall be taken in any other district in like manner as a poll of burgesses or ratepayers (as the case may be) is usually taken in such district.

2. The expenses of the election and taking the poll in any district other than the metropolis shall be paid by the school board out of the school fund.

3. An order made by the Education Department under the power contained in this part of this schedule shall, as regards any election held before the first day of September one thousand eight hundred and seventy-one, be deemed to be within the powers of this schedule, and to have been duly made and have effect as if it were enacted in this schedule, but shall not be of any force as regards any election after the said date unless it has been confirmed by Parliament.

4. Any such order so far as relates to the metropolis shall supersede any provisions contained in the

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—

Acts relating to the election of common councilmen,
and in the Metropolis Management Act, 1855, and
in the Acts amending the same.

5. If from any cause no members are elected at
the time at which they ought to be elected in accord-
ance with this Act, then—

(a.) In the case of the first election the Education
Department may appoint another day for
the election, or may proceed as in the case
of a school board in default.

(b.) In the case of a triennial election the retiring
members, or so many as are willing to
serve, shall be deemed to be re-elected, or,
if all the retiring members refuse to serve,
the Education Department may appoint
another day for the election, or may pro-
ceed as in the case of a school board in
default.

6. If an insufficient number of members are
elected, or if, in the case of no members being
elected, some of the retiring members are and some
are not willing to serve, the school board, so far
as it is constituted, shall elect a person to fill each
vacancy.

7. No election under this Act shall be questioned
on the ground of the title of the returning officer,
or any person presiding at the poll, or any officer
connected with the election.

8. Notice of the election of a person to be a
member of the school board shall be sent to that
person by the returning officer : in the case of the
first election such notice shall be accompanied by a
summons to attend the first meeting of the school
board at the prescribed time.

9. The day for the triennial retirement of members
shall be the prescribed day.

10. The first members shall retire from office on
the day for retirement which comes next after the

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expiration of three years from the day fixed for the first election.

11. Members chosen to fill the offices of retiring members shall come into office on the day for retirement, and shall hold office for three years only.

12. Any person who ceases to be a member of the school board shall, unless disqualified as herein-after mentioned, be re-eligible.

13. A member of the school board may resign on giving to the board one month's previous notice in writing of his intention so to do.

14. If a member of the school board absents himself during six successive months from all meetings of the board, except from temporary illness or other cause to be approved by the board, or is punished with imprisonment for any crime, or is adjudged bankrupt, or enters into a composition or arrangement with his creditors, such person shall cease to be a member of the school board, and his office shall thereupon be vacant.

15. If any casual vacancy in office occurs by death, resignation, disqualification, or otherwise, an election shall be held in manner directed by an order made under the power contained in this part of this schedule.

16. If by any means the number of members of a school board is reduced to less than the number required for a quorum, the Education Department may proceed as if such board were a board in default, or may direct an election to be held to fill up the vacancies in manner directed by an order made under the power contained in this part of this schedule.

17. The member chosen to fill up a casual vacancy shall retain his office so long only as the vacating member would have retained the same if no vacancy had occurred.

18. If the number of the board is reduced in pursuance of the provisions of this Act, the chair-

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man of the board shall at some meeting, as soon as may be after such reduction, determine by ballot on the members who shall retire, so as to reduce the number of the board to the number to which it is so reduced.

19. The term "prescribed" in this schedule means prescribed by some minute or order of the Education Department.

SECOND PART.

Rules respecting Resolutions for Application for School Board.

1. The meeting of a council for the purpose of passing such a resolution shall be summoned in the manner in which a meeting of the council is ordinarily summoned, and the resolution shall be passed by a majority of the members present and voting on the question.

2. The resolution passed by the persons who would elect the school board shall be passed in like manner as near as may be as that in which a member of the school board is elected, with such necessary modifications as may be contained in any order made under the powers of the first part of this schedule, and such powers shall extend to the passing of the resolution in like manner as if it were an election, but the expenses incurred with reference to such a resolution shall be paid by the overseers out of the poor rate.

3. If a resolution is ejected, the resolution shall not be again proposed until the lapse of twelve months from the date of such rejection.

THIRD PART.

Rules for Election of School Board in Metropolis.

1. If any person be returned for more than one division he shall, at or before the first meeting of the

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school board after such election, signify in writing to the board his decision as to the division which he may desire to represent on such return, and if he fails so to do the school board shall decide the division which he shall represent; and upon any such decision the office of member for the other division shall be deemed vacant. Such vacancy shall be filled up by an election to be held in manner directed by an order made under the power contained in the first part of this schedule.

2. The provisions in the first part of this schedule shall apply in the case of the school board in the metropolis.

3. The provisions in the first part of this schedule with respect to the proceedings in the case of no members being elected for a school district shall not only apply to the whole of the metropolis, but shall apply to the case of no members being elected for any particular division, with this qualification, that the Education Department shall not proceed as in the case of a school board in default, but may direct that persons may be elected by the school board to be members for such division.

4. In the places named in schedule (C.) to The Metropolis Management Act, 1855, the expenses of the election shall be paid out of the local rate, and such rate, or any increase of the rate, may be levied for the purpose.

5. The day for the retirement of members from office shall be the first day of December.

6. Any casual election shall be held on the day fixed by the school board, and shall be an election for the division a member for which has created the vacancy.

7. If any vacancy is filled up by the school board the election shall be by the whole school board.

THIRD SCHEDULE.

Proceedings of School Board.

1. The board shall meet for the despatch of business, and shall from time to time make such regulations with respect to the summoning, notice, place, management, and adjournment of such meetings, and generally with respect to the transaction and management of business, including the quorum at meetings of the board, as they think fit, subject to the following conditions :—

- (a.) The first meeting shall be held on the third Thursday after the election of the board, and if not held on that day shall be held on some day to be fixed by the Education Department :
- (b.) Not less than one ordinary meeting shall be held in each month ; one meeting shall be held as soon as possible after every triennial election of members :
- (c.) An extraordinary meeting may be held at any time on the written requisition of three members of the board addressed to the clerk of the board :
- (d.) The quorum to be fixed by the board shall consist of not less than three members, and in the case of the metropolis not less than nine members :
- (e.) Every question shall be decided by a majority of votes of the members present and voting on that question :
- (f.) The names of the members present, as well as of those voting upon each question, shall be recorded :

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- (g.) No business involving the appointment or dismissal of a teacher, any new expense, or any payment (except the ordinary periodical payments), or any business which under this Act requires the consent of the Education Department, shall be transacted unless notice in writing of such business has been sent to every member of the board seven days at least before the meeting.
2. The board shall at their first meeting, and afterwards from time to time at their first meeting after each triennial election, appoint some person to be chairman, and one other person to be vice-chairman, for the three years for which the board hold office.
3. If any casual vacancy occurs in the office of chairman or vice-chairman the board shall, as soon as they conveniently can after the occurrence of such vacancy, choose one of their members to fill such vacancy, and every such chairman or vice-chairman so elected as last aforesaid shall continue in office so long only as the person in whose place he may be so elected would have been entitled to continue if such vacancy had not happened.
4. If at any meeting the chairman is not present at the time appointed for holding the same the vice-chairman shall be the chairman of the meeting, and if neither the chairman nor vice-chairman shall be present then the members present shall choose some one of their number to be chairman of such meeting.
5. In case of an equality of votes at any meeting the chairman for the time being of such meeting shall have a second or casting vote.
6. All orders of the board for payment of money, and all precepts issued by the board, shall be deemed to be duly executed if signed by two or more members of the board authorized to sign them by a

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resolution of the board, and countersigned by the clerk ; but in any legal proceeding it shall be presumed, until the contrary is proved, that the members signing any such order or precept were authorized to sign them.

7. The appointment of any officer of the board may be made by a minute of the board, signed by the chairman of the board, and countersigned by the clerk (if any) of the board, and any appointment so made shall be as valid as if it were made under the seal of the board.

8. Precepts of the board may be in the form given at the end of this schedule.

Proceedings of Managers appointed by a School Board.

The managers may elect a chairman of their meetings. If no such chairman is elected, or if the chairman elected is not present at the time appointed for holding the same, the members present shall choose one of their number to be chairman of such meeting.

The managers may meet and adjourn as they think proper. The quorum of the managers shall consist of such number of members as may be prescribed by the school board that appointed them, or, if no number be prescribed, of three members. Every question at a meeting shall be determined by a majority of votes of the members present and voting on that question, and in case of an equal division of votes the chairman shall have a second or casting vote.

The proceedings of the managers shall not be invalidated by any vacancy or vacancies in their number.

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Form of Precept.

School district of _____ to wit.

To the council [*or overseers, &c.*] of the borough [*or parish*] of . These are to require you, the council [*or overseers*] of the borough [*or parish*] of , from and out of the moneys in the hands of your treasurer [*or your hands*], to pay on or before the day of into the hands of *A.B.*, treasurer of the school board of the said district, the sum of being the amount required for the expenses of the said school board up to the day of 18 ; and if there are no moneys in the hands of your treasurer [*or your hands*] to raise the same by means of a rate.

(Signed) C.D.,} Members of the school board of
E.F.,} the district of .
G.H., clerk of the said school board.

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FOURTH SCHEDULE.**SCHOOL SITES ACTS.**

The following Acts may be cited together as the
“School Sites Acts, 1841 to 1851.”

Year and Chapter of Act.	Title of Act.	Short Title by which Acts may be cited.
4 & 5 Vict. c. 38	An Act to afford further facilities for the conveyance and endowment of sites for schools.	The School Sites Act, 1841.
7 & 8 Vict. c. 37	An Act to secure the terms on which grants are made by Her Majesty out of the Parliamentary grant for the education of the poor; and to explain the Act of the fifth year of Her present Majesty, for the conveyance of sites for schools.	The School Sites Act, 1844.
12 & 13 Vict. c. 49.	An Act to extend and explain the provisions of the Acts for the granting of sites for schools.	The School Sites Act, 1849.
14 & 15 Vict. c. 24.	An Act to amend the Acts for the granting of sites for schools.	The School Sites Act, 1851.

FIFTH SCHEDULE.**DIVISIONS OF METROPOLIS.**

Name of Division.	Name of Division.
Marylebone.	Westminster.
Finsbury.	Southwark.
Lambeth.	City.
Tower Hamlets.	Chelsea.
Hackney.	Greenwich.

POPULAR ANALYSIS OF THE ACT.

THIS Analysis was partly compiled while the Elementary Education Bill was passing through Parliament, and it is now published in something like a readable form for the use of members of school boards, teachers, ratepayers, and others, who are likely to require to know something about the working of the new Government scheme.

As at first drawn the Bill was not nearly so long as when it was finally passed, nor was it so obscure as it now is; but this is of course owing to the numberless amendments which were proposed, many of which, being adopted by Parliament, had to be incorporated in the Bill. This will account in some measure for the want of uniformity in the style which is noticeable in many parts of the Act. Some of the clauses are framed in language that a child can understand, but other parts are unaccountably puzzling, the 97th section, to wit, which would be a capital exercise to give to pupil teachers to construe and convert into plain English. It is not easy, even after careful reading, to see the drift of some of the sections, especially those referring to the amalgamated Acts, which form part of the machinery by which the Act is to be worked. The general purport of these incorporated Acts is given in the Analysis, in connexion with the clauses to which they refer, as it is not possible to reprint them in a manual of this kind, and if they were reproduced very little would be gained, as it would be found that they refer to other Acts without end. In most cases where these cited Acts come into use a lawyer will have to be employed to carry out the provisions of the scheme.

The power which is to set the machinery in motion and keep it going is judiciously given to the Education Department, and it will be found that, for the first year at least, they will take

the initiative in almost every step, and endeavour to show, as far as they can, how the Act is to be worked. The Right Hon. W. E. Forster, their Vice-President, conducted the Bill through the House of Commons with wonderful tact and perseverance, and no one can know better than he and those who are assisting him how to set about starting the scheme. Nevertheless, their task is an onerous one, and it behoves all who can do so to assist them in every possible way. It is not to be expected that so gigantic a scheme can be started without a hitch of some kind, and it may even be necessary to amend the Act next session ; but the movement is in the right direction, and all the friends of national education will watch the working of the "Elementary Education Act, 1870," with hopeful anxiety.

The Act, as its title indicates, is intended to provide for Public Elementary Education in England and Wales, and the 2nd section expressly limits its extent to these parts of the Kingdom, by stating that Scotland and Ireland are exempt from its provisions.

The term "public elementary education" must be taken to mean the education to be given in a public elementary school, which is defined as being a school at which elementary education is the principal part of the education there given, and at which the ordinary payments in respect of the instruction from each scholar do not exceed ninepence a-week. This gives a large scope to the scheme, which will doubtless include schools in which the scholars will pay the maximum amount, but not more, so as to entitle them to come under the operation of the Act, and participate in the privileges it provides. The bulk of the schools coming under the Act will be the ones in which the children pay a penny or twopence a-week, and it is to aid such as these that the efforts of the Legislature have been principally directed ; but the latitude which the Act gives should be the means of there being established in every large town schools at which a superior elementary education may be obtained, and to which no parents will object to send their children. Thus the rising generation will have the opportunity of

acquiring an education which cannot fail to be of incalculable benefit to themselves and the country generally.

The objects to be attained by the Act seem to be—

- 1st. To provide sufficient schools.
- 2nd. To arrange for their maintenance and efficiency.
- 3rd. To compel attendance thereat.

First, as to the supply of schools. These are to be provided in every school district, so as to supply a sufficient amount of accommodation in public elementary schools available for all the children resident in the district for whose elementary education efficient and suitable provision is not otherwise made. Where there is an insufficient amount of accommodation, the deficiency is to be supplied in the manner hereinafter mentioned. The school districts here referred to are not yet defined by the Education Department. We find a “public elementary school” to be one in which the following regulations shall be in force :—

- (1.) It shall not be required, as a condition of any child being admitted into or continuing in the school, that he shall attend or abstain from attending any Sunday-school, or any place of religious worship, or that he shall attend any religious observance, or any instruction in religious subjects in the school or elsewhere, from which observance or instruction he may be withdrawn by his parent, or that he shall, if withdrawn by his parent, attend the school on any day exclusively set apart for religious observance by the religious body to which his parent belongs.
- (2.) The time or times during which any religious observance is practised or instruction in religious subjects is given at any meeting of the school shall be either at the beginning or at the end or at the beginning and the end of such meeting, and shall be inserted in a time-table to be approved by the Education Department, and to be kept permanently and conspicuously affixed in every schoolroom ; and any scholar may be withdrawn by his parent from such observance or instruction without forfeiting any of the other benefits of the school.
- (3.) The school shall be open at all times to the inspection of any of Her Majesty's inspectors, so, however, that it shall be no part of the duties of such inspector to inquire into any instruction in religious subjects given at such school, or to examine any scholar therein in religious knowledge or in any religious subject or book.

- (4.) The school shall be conducted in accordance with the conditions required to be fulfilled by an elementary school in order to obtain an annual Parliamentary grant.

A copy of these regulations is to be conspicuously put up in every school. (Sec. 7, p. 10.)

Here arises a difficulty. The first part of the first condition may be easily complied with, but the requirements of the latter part and that which follows are, to say the least, awkward. It was upon this part of the Bill that there was so much debate in the House of Commons, and so many meetings all over the country. There were at one time over fifty notices of amendments on the notice paper of the House, all relating to this clause, and most of them were discussed, some of them at great length, but the result is not satisfactory. As the law now stands, some scholars will have to get to school earlier than the others and stop later, or go later and leave earlier, and it will not be an easy task to make children understand why they should not go to school with their mates and leave at the same time; but we shall soon have experience in the matter, and in the meantime we have only to see what the regulations require. On this subject of religious teaching the Act further provides that no religious catechism or religious formulary which is distinctive of any particular denomination shall be taught in the schools (sec. 14 (2), p. 14), and the bye laws compelling attendance are to be framed so as not to prevent the withdrawal of any child from any religious observance or instruction in religious subjects, or to require any child to attend school on any day exclusively set apart for religious observance. (Sec. 74 (2), p. 50.) In speaking hereafter of voluntary examinations of schools by inspectors, other than Her Majesty's inspectors, we shall note that these objections to religious teaching and examination in religious subjects are not made.

Having defined a public elementary school, the Act goes on to state that in school districts where there is in the opinion of the Education Department an insufficient amount of public school accommodation, a "school board" shall be formed,

whose duty it shall be to supply such deficiency. If they do not do their duty, then the Education Department will do it instead. (Sec. 6, p. 9.) They are now endeavouring to ascertain the amount of public school accommodation required, by causing returns to be made. One of these, which will be found in the Appendix, *post* p. 102, is a general one, and requires the area contained within the limits of the named district to be stated, and the number and kind of schools therein ; and the other, a special one, No. 6 Appendix (p. 105), to be filled up by the manager or principal teacher of every school, whether public or private, finished or unfinished, within the limits prescribed, and requires particulars which will enable the Education Department to determine the question of sufficiency or deficiency of accommodation. (Sec. 8, p. 11.) The returns should be sent in at once ; but *must* be at the Council Office on or before 31st Dec., 1870.

After due consideration the Education Department will publish a notice of their decision, which will contain a description of the district, and the number, size, and kind of schools which they have taken into account. If there is a deficiency they will state the amount and description of school accommodation which appears to them to be required in the district. Before, however, any action is taken on this decision, interested persons who may feel aggrieved at the decision may, within a month after the publication of the notice, apply for, and the Education Department shall direct the holding of, a public inquiry, concerning the conducting of which there is more to be said hereafter. If no inquiry is required, none will be directed. Should there be an inquiry, then, as soon as the report is received, the Education Department will issue a final notice, modified or not as the case may be, stating what public school accommodation is to be supplied. (Sec. 9, p. 12.) It is not obvious who is to supply this accommodation, but from the ratepayers and managers being permitted to appeal if they feel aggrieved by the decision of the Education Department, we may conclude that the "notice" will be addressed to them. This notice wil

state a limited time for carrying out the order, and if, after the expiration of that time, the Education Department are satisfied that all the public school accommodation has not been supplied, nor is in course of being supplied with due despatch, they shall cause a school board to be formed for the district. As soon as it is formed the Board will be served with a requisition requiring them to take proceedings forthwith for supplying the public school accommodation mentioned in the requisition, and it will be the duty of the school board forthwith to take measures for obtaining the required supply.

The Act does not pause here to give the instructions as to the formation of school boards ; but, supposing them to be duly formed, we are furnished with certain provisions, which, it is to hoped, will not frequently have to be put in force, as they apply to "school boards in default." The clause is a very useful one, however, as it guards against procrastination, by requiring that the accommodation demanded shall be supplied within twelve months. (Sec. 11, p. 12.)

Upon application by the proper parties, school boards may be formed by the Education Department without the delay and expense of an inquiry. It will be necessary for this purpose to call a meeting of the inhabitants of a district and pass a resolution in proper form, and the resolution being forwarded to the Education Department will be deemed an application within the meaning of the Act. Thus the supply of schools is provided for.

Secondly, the Act provides for the management and maintenance of the schools.

The only regulations imposed upon the school board, which is to control the management of the school, are two—namely :—

1. The school shall be a public elementary school within the meaning of this Act ;

2. No religious catechism or religious formulary which is distinctive of any particular denomination shall be taught in the school.

We have seen what is meant by "a public elementary

schoool," and have remarked upon the stipulation as to religious education, so we may pass on to notice that the school board may delegate to a body of managers, if they think fit, any of their powers, except the power of raising money. They may in particular delegate the control and management of a school to a body of managers consisting of not less than three persons. It is within the powers of school boards to remove such managers, and, providing the number is not made less than three, may add to or diminish the number of, or otherwise alter their constitution or powers. Any manager appointed under this section may resign on giving written notice, and the rules contained in the 3rd schedule shall be observed. The appointment of this body of managers, it must be remarked, does not take away the responsibilities of the school board; for if they do or permit any act in contravention of or fail to comply with the regulations, the Education Department may declare the school board to be a board in default, and, unless the contrary can be proved, every act or omission of any member of the school board, or manager, or any person under their control, shall be deemed to be permitted by them. As to whether the school board have done or permitted any act in contravention of or have failed to comply with the said regulations, the matter, if disputed, shall be referred to the Education Department, whose decision thereon shall be final, so that there will be no appeal, and it therefore behoves members of school boards to bear in mind the responsibilities they undertake. (Sec. 16, p. 14.)

To provide the means for maintaining the school the first source of income will be the fees paid by the children. We have seen that these must not exceed ninepence per week per child, and this is the only stipulation made. The school board, with the consent of the Education Department, may fix the amount of the fees to be paid, and each child, it seems, must pay something, though in cases of poverty the payment may be remitted for a period of not more than six months. Such remission is not to be deemed parochial relief, but the parents

or guardians will have to satisfy the Board that they are unable from poverty to pay the school fee. (Sec. 17, p. 15.)

The Act goes on to direct that the school board shall maintain and keep efficient the schools provided by them, and when required shall provide additional accommodation. On the other hand, they may discontinue a school if they can show the Education Department that it is unnecessary, or may change the site if they can prove that it is expedient so to do. If the board fail in any respect to do their duty they will receive a notice reminding them of their default, and requiring them to remedy it within three months. If, after the expiration of the notice, they still neglect their duty, the Education Department steps in and treats them as a school board in default. (Sec. 18, p. 16.)

For the purpose of supplying the required school accommodation for their district the school board may provide, by building or otherwise, school-houses properly fitted up, and improve, enlarge, and fit up any school-house provided by them, and supply school apparatus and everything necessary for the efficiency of the schools. They may also purchase and take on lease any land, and any right over land. This "right over land" must mean a right to go across land to the school, which privilege may thus be acquired without purchasing the land outright. As to the acquisition of land, or rights over it, the board are invested with compulsory powers of purchase, concerning which it will be necessary to pay particular attention. The first regulation is as to the incorporation with this Act of the Lands Clauses Consolidation Act, 1845, and the Acts amending the same. On referring to these Acts (which are those under which companies proceed after obtaining an Act of Parliament to carry out their undertakings), it will be found that the compulsory powers of purchase are therein given "to promoters of the undertaking," and by this Act the term is to be construed as meaning the school board, and the "special Act" in those Acts referred to is to mean this Act.

Some of the requirements of those Acts are embodied in the

Elementary Education Act, as, for example, before putting in force any of the powers of the said Acts with respect to the purchase and taking of land, otherwise than by agreement, the school board is required to publish a notice describing the quantity of land required, the object for which it is proposed to be taken, and naming a place where a plan of the land can be seen. Notices are to be served on owners, lessees, and occupiers, asking whether they assent, dissent, or are neuter in respect to the taking of such land, and when these matters have been attended to the school board may petition the Education Department praying that an order may be made authorising the board to put in force the powers of the said Acts as to compulsory taking of land. The petition will be considered, and, if thought desirable, the Education Department will institute an inquiry respecting the propriety of their making the order petitioned for. If they are satisfied they may make the order, either in the terms prayed for, or in some modified form, and a copy of such order shall be served upon the persons entitled to receive notices. Before, however, the order is valid, it will require to be confirmed by Act of Parliament, but this the Education Department will obtain as soon as conveniently may be, and the Act when passed is to be a public general Act. There is a provision made for the payment of the costs of the Education Department in obtaining the order, to such extent as the Commissioners of Her Majesty's Treasury may think fit, and all such costs and charges will become a charge on the school fund of the district, to be repaid to the Treasury, with interest at 5 per cent., by annual instalments, within five years.

Further, to facilitate these compulsory purchases, the powers given by a series of Acts, collectively called the School Sites Acts, are also made to apply to purchases by school boards, and are applicable in the same manner as if the school board were "trustees or managers" of a school within the meaning of those Acts. The Acts are enumerated in the fourth schedule (*ante* page 71). The first of them limits the quantity of land which may be taken as a site for a school or school-house to one

acre, and provides that upon the land ceasing to be used for the purposes mentioned, the same shall thereupon immediately revert to and become a portion of the estate of any manor or land as fully to all intents and purposes as if the Act had not been passed. It also gives power to corporations, justices, trustees, or commissioners holding land for public, ecclesiastical, parochial, and charitable purposes to convey lands for the purposes of the Act, and goes on to provide that any number of sites may be granted for separate schools, although the quantity in the aggregate should exceed an acre. Then follows a form of grant, which, being a model of conciseness, is given *in extenso* in the Appendix (p. 117).

Trustees are empowered to sell or exchange lands or buildings, receiving, if need be, a sum of money for effecting an equality of exchange, which money may be expended in the purchase of another site, or in improving other school premises. The 17th and 18th sections, which refer to the occupation of school-houses by the masters or mistresses, will come in more appropriately by-and-bye when we consider that question.

The second Act mentioned in the schedule states the terms and conditions upon which Parliamentary aid has been given towards the building of schools ; and the terms upon which aid shall be granted to trustees of ancient endowed schools.

The third Act (12 and 13 Victoria, cap. 49), amongst other things, provides (sec. 3) that

Whereas by the said first-recited Act power is given to any person or corporation to grant any number of sites for distinct and separate schools ; but after providing that the site of each school and residence do not exceed one acre, it is also provided that not more than one such site shall be in the same parish ; and doubts have been entertained as to the meaning of the last-recited proviso ; be it therefore declared and enacted that nothing in the said Act contained shall prevent any person or corporation from granting any number of sites for separate and distinct schools in the same parish, provided the aggregate quantity of land granted by such person in the same parish shall not exceed the extent of one acre.

The next important section gives power to owners of land to vest any quantity of land for the purposes of the endowment

of schools in any corporation or corporations, and the last of the School Sites Acts was passed purposely to define the meaning of the word "parish," when referred to in the Acts. The section is in the following terms :—

The word parish in the sections of the statutes herein referred to shall, in the case of any parish which has heretofore been or shall hereafter be divided by lawful authority into two or more ecclesiastical districts, whether confined to such parish, or comprising also any part of another parish, be construed with reference to such parish to signify each such ecclesiastical district.

This definition was rendered necessary in consequence of the large extent of many parishes, some of which are densely populated, and the former limitation was found to be productive of inconvenience, and to prevent instead of help the extension of the education of the poor, which it was the special purpose of the School Sites Act to facilitate.

The sale, leasing, or exchange of the whole or any part of any land or school premises belonging to a school board is still further facilitated by extending the provisions of the various Charitable Trusts Acts which were passed between the years 1853 to 1869, to such sales, leases, or exchanges, the Education Department standing in the place of the Charity Commissioners wherever referred to in those Acts.

Powers are given to managers of public elementary schools to purchase schools, school-houses, or land for sites for the same, and are similar to those given to school boards (except so much as relates to the compulsory purchase of land), and the grant may be in the form given on page 117, with this modification, that the conveyance shall express that the land shall be held upon trust for the purposes of a public elementary school within the meaning of this Act, or some one of such purposes which may be specified, and for no other purpose whatever. For the purposes of this section, any persons desirous of establishing a public elementary school shall be deemed managers if they obtain the approval of the Education Department to the establishment of such school. (Sec. 21, p. 20.)

Managers of any elementary school may transfer their school

to a school board within the district in which the school is situate. Due regard is to be had to the provisions of any trust deeds, but if there are none then the consent of the Education Department to the proposed arrangements must be obtained, and likewise the consent of at least two-thirds of the annual subscribers to such school. Such consent must be shown by a resolution passed at a meeting of the subscribers duly announced and specially called for the purpose.

With respect to such transfers it is enacted—the clause was added by the House of Lords—that the Education Department shall consider and have due regard to any objections and representations which may be made by any person who has contributed to the establishment of such school. After the expiration of six months from the date of transfer the consent of the Education Department shall be conclusive evidence that the arrangement has been made in conformity with the Act.

An arrangement may be made for the conveyance to the school board of the interest in the school-house possessed by the managers or trustees of the school, or for the lease thereof, with or without any restrictions. The rent may be nominal or otherwise, and may be for the use of the school-house during part of the week, and for the use of the same by the managers or other persons during the remainder of the week, or any similar arrangement may be made. The transfer or application of any endowment belonging to the school, or for the discharge of any debt charged on the school not exceeding the value of the interest in the school-house or endowment transferred to them, may also be provided for. During the time the school board have under such arrangement any control over any such school it shall be deemed to be a school provided by the school board.

The House of Lords inserted a clause here which provides for the retransfer of a school by the school board to the managers. At least two-thirds of the members of a school board present at a meeting specially called for the purpose must vote for the retransfer, and the Education Department shall not give their consent to such retransfer unless they are satisfied

that any money expended upon such school out of a loan raised by the school board of such district has been or will on the completion of the retransfer be repaid to the school board. (Sec. 24, p. 24.)

Amongst the miscellaneous powers given to school boards some very important ones will be found. Two of them have a somewhat similar purpose; one providing for the payment of the scholars' fees where the parents are poor; and the other permitting the establishment, in special cases, of schools where there will be no fees to pay. The poverty of the inhabitants is to be the ground for the formation of such schools, but if the people in the neighbourhood are all in a state of poverty, where will the money come from to enable the board to build and maintain the schools? It is probably thought that no whole district can be so poor as to have no ratable property in it which will support a free school. The permission being given to establish such schools is looked upon as a step in the right direction for providing gratuitous education in every public elementary school.

Another valuable power to do good to the poorer class of children is given in allowing the board to contribute to and, if they think it desirable, to build and maintain certified industrial schools.

We now come to the constitution of school boards, and find that they are to be elected, in a borough by the persons on the burgess roll for the time being, and in a parish not situate in the metropolis, by the ratepayers. At such elections every voter shall be entitled to a number of votes equal to the number of the members of the school board to be elected, and may give all such votes to one candidate, or may distribute them among the candidates, as he thinks fit. Special provisions are made for elections of school boards in the metropolis, which will be referred to presently. The clause tells us who may vote, and how many votes each voter shall have, but there is no indication of what is to constitute the eligibility of candidates for membership. Nor does the 2nd schedule, which contains the

rules to be observed at the election, at all enlighten us on the subject.

The Education Department are to prescribe the regulations, and the poll in the metropolis is to be] taken in the same manner as a poll under the Metropolis Management Act, with the working of which most metropolitan ratepayers are tolerably familiar. In any other districts the poll will be taken as a poll of burgesses or ratepayers (as the case may be) is usually taken. The expenses are payable out of the school fund. The schedule containing the rules (Appendix, p. 62) states plainly the law on the subject, and every possible contingency is apparently provided for.

Section 31 provides for the election of members of a school board not metropolitan. The number in the first instance is to be determined by the Education Department, but shall not be less than five nor more than fifteen. Afterwards the board themselves shall resolve what the number shall be, but their resolution is to be subject to the approval of the Education Department.

Disputes as to the right of persons to sit on the board may be inquired into by the Education Department, and their decision shall be final unless removed by writ into the Court of Queen's Bench during the next term after making the order. No member may hold a place of profit the appointment to which is vested in the board. There are exceptions to this rule if the member abstains from voting in the matter, but any contravention of the section will render the offending member liable to a penalty of 50*l.*, and the place of profit and membership will have to be vacated. (Sec. 34, p. 28.) Power is given to the board to appoint and pay a clerk and treasurer and an officer to enforce the bye laws with reference to the attendance of children at school.

The regulations connected with the formation of a school board in the metropolis are well defined. The number of members to be elected in the ten divisions into which the metropolis is divided cannot yet be given, but a table (Appendix,

No. 8, p. 114) has been compiled from a Parliamentary return showing the parishes and districts, and the population of each of them at the last census. This will give some clue to the proportion of members to be elected, but the ratable value has also to be taken into account by the Education Department, and some districts at the end of the table will have to be attached to one or other of the Parliamentary divisions.

The chairman of the Board is to be a member *ex officio*, though he may not be a member at the time of election. He will be elected by the Board, and they will fix the salary to be paid to him. The rest of the regulations on this subject are concise and explicit, and cannot well be epitomised without garbling. Section 37, p. 30, and the third part of the 2nd schedule, p. 65, give all the information likely to be required till the orders of the Education Department are issued.

Supposing the school boards to be duly elected, we may pass on to notice further as to their constitution that they are each to be a body corporate, bearing the name of the school district to which they belong, with perpetual succession and a common seal. They may acquire and hold land without a licence in mortmain. Providing there is a quorum of members present, no act or proceeding of the school board shall be questioned on account of any vacancy, nor shall a disqualification or defective election vitiate their proceedings, where the majority are duly entitled to act. The minutes of the board are to be legal evidence, and members may apply moneys in their hands to indemnify themselves against law costs and charges. The members will, however, be chargeable with any sums disallowed by the auditor.

The subject of the formation of united school districts is next treated of, and we are told that where the Education Department are of opinion that it would be expedient to form a school district larger than a borough or a parish, or any school district, they may form a united school district by uniting any two or more adjoining school districts, and upon such union cause a school board to be formed for such united school district. Such

district will for all the purposes of this Act be deemed to be a school district, and the local rate and rating authority for the united district will be in each of the constituent districts thereof the same as if such constituent district did not form part of the united school district. Powers are given for making inquiries into the expediency of forming such districts, and the order of the Education Department will be the legal evidence of the formation. Conversely, they may deem it advisable to dissolve such an united district into its constituent parts, and section 42 (p. 34) gives them power to do so, and they may deal with such constituent districts as if they had never been united.

The provisions respecting the constitution of school boards generally apply to the constitution of school boards in a united school district, and the name of the district shall be such as may be prescribed by the Education Department. In each district the school board shall be such number of members elected by the electors of the district as may be specified in the order forming the district, subject nevertheless to alteration in the same manner as in the case of any other school board. Every person who in any of the districts constituting such united district would be entitled, if it were not united, to vote at the election of members of a school board for such constituent district will be an elector, and the provisions respecting the election of a school board in a district will extend to the election of such members. Small parishes in these districts may be amalgamated under section 48 (p. 36), and, in proportion, will have the same powers of voting as larger parishes.

Contributory districts are those which contribute to the expenses of school boards in adjoining districts under an order of the Education Department. They will be represented on the school boards in proportion to the amounts they contribute.

Similar provisions to those relating to united districts, as to election of members, notices, and public inquiries, are made with respect to contributory districts. School boards may agree to combine for any purpose relating to the elementary schools

in their districts, and they may, if they think fit, appoint a joint body of managers to look after the schools, and the joint expenses will be defrayed *pro rata* as may be agreed.

We now come to the important consideration of the cost and expenses incident to the working of the new law, and we start with two fundamental rules, first that they shall be all paid out of one fund, to be called the School Fund, and second that all moneys, from whatever source raised, are to be paid into the hands of a treasurer, and form part of the school board exchequer. Fees of scholars, the Parliamentary grant, and moneys raised by loan will form the fund in most instances, and if these are not sufficient to meet all the expenses a rate may be levied to supply the deficiency. How the money is to be raised will be found explained in sec. 54 (p. 38), and the only further instruction required is to refer the reader to the fourth column of the 1st schedule (p. 61), which shows who is the rating authority in the different kinds of school districts. What is meant by the local rate in the various districts is explained in the third column of the same schedule, and in a note at the foot of the table, Appendix 8 (p. 116). The divisions and districts of the metropolis will be found in a table in the Appendix (p. 114), and the particular schedule in the Metropolitan Management Act under which they severally come is indicated.

The apportionment of expenses in united and contributory districts is provided for, and in case of a difficulty arising by reason of the rating authority not paying the money demanded in any precept of the school board, the Act permits the appointment of officers to levy the rate and proceed in every respect as if *they* were the rating authority. (Sec. 56, p. 39.)

Money may be borrowed by a school board of the Public Works Loan Commissioners, and the repayment can be spread over fifty years; but if not repaid to the mortgagee by instalments, one-fiftieth part of the sum borrowed must be annually set aside to form a sinking fund. The form of mortgage and of transfer recommended by the Commissioners' Clauses Act, 1847, is given in the Appendix (p. 118).

The borrowing powers of the School Board for London are somewhat special, as the board may borrow of the Metropolitan Board of Works, and section 37 of the Metropolitan Board of Works Loan Act is made applicable as if the "managers" therein mentioned were the School Board for London. (Sec. 58, p. 40.)

The accounts of all school boards are to be made up and balanced half-yearly to Lady-day and Michaelmas. They will be audited by the auditors who audit the accounts relating to the relief of the poor. The audit is to be held at the office of the school board, and due notice is to be given by the auditor of the time of audit, so that ratepayers may attend if they wish and object to any of the items in the account. The audit is to be made as soon as may be after the chairman has signed the accounts; but inasmuch as the Poor-law Board (who will undertake the audit) have recently, on the recommendation of a Select Committee of the House of Commons, been reducing their staff of auditors and amalgamating the audit districts, there is no knowing how long the school board accounts may have to wait. The present number of auditors is only forty-five, and prompt measures must be taken, or there will be great delay in the auditing.

When the accounts have been audited and signed, copies thereof are to be sent to the rating authorities and overseers, and to the Education Department. Any ratepayer will be able to get a copy on payment of a small fee.

The Education Department have the power to dissolve any school board which, on inquiry, proves to be in "default," and may direct the formation of a new board by election, or may themselves nominate the members of a kind of provisional board to do the work till the default be remedied. Similar powers are also given in case the school board is not elected at the time fixed.

For the purpose of procuring, in the speediest and most reliable manner, any information required by the Education Department relative to the grievances of persons affected by the

orders of the Department, they are empowered to appoint "some person"—the Act gives him no title—to hold a public inquiry in the neighbourhood of the school district to which the inquiry relates. The result of the inquiry is to be embodied in a report to the Education Department, and a copy thereof deposited with the school board or local authority.

One of the most important powers given to the Education Department is that relative to Returns. Upon the information gleaned therefrom the Department will base their calculations, and subsequently their orders respecting the efficiency of school accommodation in any particular district. Under the present regulations the minimum amount of cubical area required in the principal schoolroom for every child in average attendance is eighty feet, and of superficial area eight feet ; but though a Return may show this amount of accommodation, it will, in many cases, be necessary to send inspectors to ascertain the shape of a school, the quantity and arrangement of its desks, forms, and other furniture, and the position of the doors and fireplaces, before its fitness can be certified. With regard to a large proportion of schools which will come under the Act, all these particulars are already known ; were it not so, and it were necessary to visit each school before the 31st of December, 1870, the new scheme could not possibly be begun for many months. Every assistance is given by the Act to the officials from whom the returns are required, even to allowing paid help. All other expenses connected with the collection of information will be paid by the Education Department. As so much depends on the accuracy and completeness of the various returns severally to be made by the local authorities and the school boards, the Act gives the power to appoint inspectors of returns, and, where there is any default in making such returns, persons may be employed to get the required particulars. The machinery of the Act will not therefore be stopped by the obstructiveness of any local authorities, or the default of any school board ; and any teacher who refuses or neglects to fill up the forms from which the general returns are to be compiled,

or obstructs the Government inspector of returns in obtaining information, will debar the school from being taken into consideration among the schools giving efficient elementary instruction in the district, and consequently will be precluded from receiving a Parliamentary grant.

Thirdly, the Act provides for the compulsory attendance of children at school. This is a new feature in our systems of national education, and for a time may prove difficult to work out. The Act provides that it shall be done by the school boards, who have, subject to the approval of the Education Department, power to make and enforce bye laws. Speaking generally, the main points are that every child in good health between the ages of not less than five nor more than thirteen shall attend a school, if there is one within three miles of the child's home. Children need not attend religious observances, and must not be taught religious subjects. The purposes for which bye laws may be framed are contained in Section 74, p. 50.

Ratepayers are to have every facility afforded them for inspecting any proposed bye laws, and the Education Department shall not sanction any till satisfied that due notice of the bye laws being deposited for inspection has been given, and the requirements of the Act in every respect complied with. A further precaution is taken in requiring that the bye laws, before they become law, shall be sanctioned by an order of Her Majesty in Council, and the Act provides that all sanctioned bye laws shall be printed in the Appendix to the Annual Report of the Education Department; but unless the Department issues a set of model bye laws as a guide, it will require a bulky appendix and cost a large sum to print them all. Surely it will be sufficient to print those which have anything special in them. The penalties for the breach of the bye laws shall in no case exceed, with costs, five shillings.

Ratepayers may inspect school books, and any one hindering such inspection is liable to a penalty of 5*l.*

In the miscellaneous powers given by the Act, provision is

made for the application of small endowments by school boards for the inspection of schools, other than those provided by the board, at which religious observances and examination in religious subjects will not be objected to. (Sec. 76, p. 52.)

In parishes divided by borough boundaries the ratepayers of the parts situate outside the boundaries may meet in vestry in the same manner in all respects as if they were the inhabitants of the parish of which they form part, and the overseers of the whole parish shall, for the purposes of the Act, be deemed to be the overseers of any such part of a parish.

The ratable value is to be ascertained from the valuation lists for the time being, and if there are none, then the ratable value will be taken from the rate books. Lists and books are to be produced when required by the school boards, and copies or extracts may be made therefrom for the purpose of the board.

Notices, requisitions, and accounts required by the Act to be publicly notified may be published in the newspapers, or by causing copies to be affixed for twelve hours at least on a Sunday at the doors of the churches and chapels in the district, and at such other places at which notices are usually posted up. Certificates, notices, requisitions, orders, precepts, and all other documents may be sent and served by post. They may be served on the clerk or delivered at the office of the board, and such documents may be authenticated by the signature of the clerk. All documents issued by the Education Department requiring authentication shall, if purporting to be signed by the secretary or assistant-secretary, be deemed to have been so signed, and the production of a signed copy shall be sufficient evidence of authenticity. The Documentary Evidence Act, 31 and 32 Vic., cap. 37, is made to apply to the Education Department in like manner as if they were specially mentioned along with the other public departments, officials, and certifying officers named in the schedule to that Act.

Unless objection be taken to the orders and requisitions of the Education Department within three months from the date thereof, they shall be presumed to have been duly made.

In all legal proceedings a school board may appear by their clerk or by some person formally appointed for the purpose. It is not likely often to happen that a school teacher will refuse to give up possession of the school-house after his term of office has expired, but the contingency is provided for by the Act, and the following are the sections of the School Sites Acts bearing upon the subject. The school board takes the place of the school trustees :—

Sec. 17. No schoolmaster or schoolmistress . . . shall be deemed to have acquired an interest for life by virtue of such appointment, but shall, in default of any specific engagement, hold his office at the discretion of the trustees of the said school.

Sec. 18. And for the more speedy and effectual recovery of the possession of any premises belonging to any school which the master or mistress who shall have been dismissed, or any person who shall have ceased to be master or mistress, shall hold over after his or her dismissal or ceasing to be master or mistress, be it enacted, That when any master or mistress . . . shall neglect or refuse to quit and deliver up possession of the premises within the space of three calendar months . . . it shall be lawful for the justices of the peace acting for the district or division in which such premises are situated, in petty sessions assembled, or any two of them . . . on the complaint of the trustees or managers of the said school . . . to issue a warrant under their hands and seals . . . to some one or more of the constables and peace officers of the said district or division, commanding him or them, within a period to be therein named, not less than ten nor more than twenty-one clear days from the date of such warrant, to enter into the premises, and give possession of the same to the said trustees or managers or their agents. (4 and 5 Victoria, cap. 38.)

In addition to those defaults already mentioned, penalties are imposed for making incorrect returns, for personating voters, for forging or falsifying any voting paper, or obstructing the election, and for corrupt practices at an election. Corrupt practices includes all bribery, treating, and undue influence which, under any Act relating to a Parliamentary election, renders such election void. The penalty for forging or falsifying voting papers or obstructing election is limited to 50*l.*, or, in default of payment, six months' imprisonment. Any one guilty of corrupt practices may be fined 2*l.*, and will be disqualified from exercising any franchise at any election under the Act, or

at any municipal or Parliamentary election. This looks like trying to suppress corrupt practices with severity, but if the means are effectual no one will complain. All penalties may be recovered summarily before two justices of the peace. (Sec. 92, p. 57.)

The closing sections of the Act are devoted to regulations connected with making Parliamentary grants. It is enacted that after the 31st of March, 1871, no Parliamentary grant shall be made to any elementary school which is not a public elementary school within the meaning of this Act, and no Parliamentary grant shall be made in aid of building, enlarging, improving, or fitting up any elementary school, except in pursuance of a memorial duly signed, and containing the information required by the Education Department for enabling them to decide on the application. This memorial must be made on or before the 31st of December, 1870. The school board will in future build schools and make the necessary improvements. To obtain an annual Parliamentary grant the minutes of the Education Department in force for the time being must be fulfilled ; but after 31st March, 1871, it shall be a rule that—

- (1.) Such grant shall not be made in respect of any instruction in religious subjects :
- (2.) Such grant shall not for any year exceed the income of the school for that year which was derived from voluntary contributions, and from school fees, and from any sources other than the Parliamentary grant.

Such conditions, however, shall not require that the school shall be in connexion with a religious denomination, or that religious instruction shall be given in the school. Nor shall the conditions in the minutes give any advantage to any school on the ground that it is or is not provided by a school board.

It is provided that no minute of the Education Department not in force at the time of passing this Act shall be deemed to be in force till it has lain on the tables of both Houses of Parliament for at least a month.

Now follows the notable paragraph of twenty-three lines, without a larger stop than a comma, which is referred to in the

commencement of this Analysis. It does not seem to mean more than this. Where in one year the school fund has been all expended, and the expenditure is equal to more than a rate of threepence in the pound, or seven shillings and sixpence per child, the Education Department will make good the excess up to 20*l.* by an additional Parliamentary grant.

This indirectly indicates two things ; one, that a rate of threepence per ~~pound~~ ^{head} is thought to be the maximum amount likely to be required for the purposes of the school board ; and the other suggestion is that seven shillings and sixpence per head per annum should be the maximum annual cost of a child's education in a public elementary school. (Sec. 97, p. 59.)

The Education Department may refuse the grant to any schools that they may deem to be unnecessary ; but in order to provide against even the appearance of partiality, a special report of all such cases is to be laid before Parliament every year, and the reasons of any such refusals stated therein. No school is debarred from taking the Parliamentary grant, providing the necessary conditions are fulfilled.

A question has already been raised as to the continuance of the grant to normal schools, and a copy of the correspondence which answers the question will be found in the Appendix (p. 99).

The borough of Oxford has a special section in the Act, by which the University of Oxford and the colleges and halls therein are entitled to elect one-third of the members of the school board for the borough. (Sec. 93, p. 57.)

It only remains to add that the schedules to the Act are to have the same force as the Act itself, and that every year the Education Department shall cause to be laid before both Houses of Parliament a report of their proceedings for the preceding year.

APPENDIX.

APPENDIX, No. 1.

Circular as to meaning of Section 5, p. 9.

Sir F. R. Sandford to Her Majesty's Inspectors of Schools.

Elementary Education Act, 1870.

(Circular No. 1.)

Education Department, 27th August, 1870.

Sir,—I have the honour to forward, for your information, the annexed copy of a letter addressed to the Vice-President with reference to the 5th Section of the Elementary Education Act, and of Mr. Forster's reply.—I am, Sir, your obedient servant,

(Signed) F. R. SANDFORD.

P.S.—The last letter annexed (No. 3) answers, as far as yet can be done, inquiries which are daily being made on the subject of school accommodation.

To ———, H.M. Inspector of Schools,

(Copy.)

Worcester Diocesan Board of Education.

St. Peter's Vicarage, Droitwich, 4th August, 1870.

Sir,—I hope you will excuse the liberty I am taking in addressing you under the following circumstances:—

A meeting of the above Board is to be held on Thursday next, the 11th, to consider the new Bill.

One important point which will necessarily come before us, is the question of the "sufficiency" of existing schools, and no definition of sufficiency is yet given.

I should esteem it a great favour if you would send me the definition of sufficiency (if settled); or, if not yet settled, your own views upon it; for, unless we have some idea of the proportion of the population of a parish for which you expect school accommodation to be provided (at eight square feet per child), we shall be unable to know where deficiencies exist, or to take measures to remedy them.

It will also be difficult for us to move until we know what is meant by the "efficient and suitable provision" of Clause 5. At present we have no means of judging whether trained uncertificated teachers, or teachers of private adventure schools, or dames, will be considered as qualified to give such provision: a definition of this would also much oblige, Sir, yours obediently,

WILLIAM LEA,
Hon. Sec. Worcester Board.

The Right Hon. W. E. Forster, M.P.

E

(Copy.)

Education Department, Whitehall, London, S.W.,
8th August, 1870.

Rev. Sir,—In reply to your letter, dated 4th August, Mr. Forster desires me to state that no definite rule can as yet be laid down with regard to that proportion of the population of a parish for which school accommodation should be provided. Mr. Forster, however, believes that the rule hitherto followed in deciding upon applications for building grants—viz., to allow schools to be erected with the aid of such grants for one-sixth of the entire population of a district, will, in practice, be found to be an adequate measure of such proportion.

In determining in any particular district whether there is “efficient and suitable provision” under Clause 5, the Education Department must be guided by the returns to be rendered by the local authority, on or before the 1st of January, 1871, and also by the report of the inspector, who, if necessary, will visit the district.

Efficient and suitable provision will be held to be made for a district when there is efficient elementary school accommodation within a reasonable distance of the home of every child who requires elementary instruction, of which he can avail himself on payment of a fee within the means of his parent, without being required to attend any religious instruction to which his parent objects.

I may add that there is nothing in the Bill to prevent a school from being recognised as giving such efficient and suitable provision because the teacher is not certificated; but it will depend upon the conditions to be laid down in the new Code whether any elementary school can be acknowledged as a public elementary school, and therefore as entitled to receive annual grants.—I remain, Rev. Sir, your obedient servant,

H. S. BRYANT.

(Copy.)

No. 8.

Education Department, Whitehall, London, S.W.,
26th August, 1870.

Sir,—In reply to your letter of the 19th inst., I am directed to inform you that no definite answers can be given at present to inquiries (1) as to the school provision that will be required for any particular district; (2) the accommodation that will be afforded by any particular school; or (3), the superficial or cubical area that will be accepted as sufficient for any child, or number of children.

The first point can be determined only when my Lord's receive the returns to be made by the local authority of the district, on or before the 31st December, 1870, and the report of an inspector who may, if necessary, subsequently visit the district.

The second point will in like manner be determined upon the report of an inspector upon the particular school in question. The capacity of a schoolroom, and the number of children it can accommodate,

depend not merely upon its area, but also on its shape, on the nature and arrangement of the school furniture, and on the positions of the doors and fireplaces.

As regards the third point, Article 51 (a) of the Revised Code prescribes that no school shall receive annual aid unless it is "held in a building certified by the inspector to be healthy, properly lighted, drained, and ventilated, supplied with offices, and containing in the principal schoolroom at least 80 cubical feet of internal space for each child in average attendance."

The following extract from the letter of instructions to Her Majesty's inspectors of September, 1862, bears upon this question :—

Article 51 (a).

" 31. Cubical space has to be considered upon sanitary grounds, but does not supersede the consideration of area. If you find a schoolroom which allows the minimum number of cubical feet per child, but of which the floor is not sufficiently large, or not properly shaped, for the organisation of the school, you will report accordingly."

" 32. The 'principal schoolroom' is named because the school must for many purposes meet as one body, and 80 cubical feet of space per child is a minimum everywhere."

It may be assumed that, subject to the inspector's report as to the convenience of a building for the number of scholars occupying it, the minimum space per scholar specified in Article 51 (a) will be accepted; but the managers of schools should bear in mind that, although rooms higher than 10 feet may supply the requisite cubical space for a larger number of scholars, it is rarely found in practice that a school can be efficiently worked with less than 8 square feet per child of area in the main room and class rooms.—I have the honour to be, Sir, your obedient servant,

F. R. SANDFORD.

APPENDIX, No. 2.

Correspondence as to Normal Schools, showing how they are affected by the Elementary Education Act, 1870.

"Normal Schools.

"Circular No. 2.

"Education Department, 25th August, 1870.

"SIR,—I have the honour to forward for your information the annexed copies of letters sent from this Department to the correspondents of two normal schools.

"I am, Sir, your obedient servant,

(Signed)

"F. R. SANDFORD."

Copy (No. 1).

"I have submitted your letter of the 10th of August to the Committee of Council, and in reply I am directed to inform you that what was stated in Parliament during the discussions on the Educa-

tion Bill, and has been repeated in recent letters from this Department, was to the effect that when the Bill passed into law it would be necessary to frame a new edition of the Code ; and that, among other things, the conditions on which certificates are awarded would have to be reconsidered.

"But there is no intention to dispense with certificates as a rule ; and no young person who is now entering the profession will have any claim to share in such facilities as may be afforded to acting teachers of experience, to qualify themselves for the charge of schools to which annual grants may be made."

Copy (No. 2).

"Adverting to your letter of the 9th instant, I am directed to state that the authorities of the Normal School may present to H. M. Inspector at Christmas next, as candidates for certificates, any former students who completed a year's training in the College and are not now certificated, whether their present schools are under inspection or not ; on the understanding that they seek examination with a view to taking service in schools for which annual aid will be sought.

"These candidates are to be presented, and to designate themselves in their papers as 'Former Students.'

"No grant can be made to the College on their account under Article 98."

APPENDIX, No. 3.

Copy Circular sent with Form No. 72 to Town Clerk.

Education Department, 16th August, 1870.

Municipal Borough of _____.

SIR,—I am directed by the Lords of the Committee of Council on Education to request that you will take an early opportunity of calling the attention of the council of your borough to sections 67—72 of the "Elementary Education Act, 1870," and I am to beg that the requisite steps may be taken without delay for carrying out the provisions of these sections, with respect to the returns which the council (as the local authority of the district) are required to send to the Education Department, on or before the 1st day of January, 1871.

These returns will have to be made on two forms.

One of these, a general form, is intended to furnish certain information respecting the area contained within the municipal limits of the borough, which information the Education Department will have to take into consideration in deciding upon the school provision that will be required for the district. A copy of that form is enclosed.

The other, a special form, will have to be filled up by the managers or teacher of every school, whether public or private,

within the same limits, which answers to the definition of an elementary school given in the 3rd section of the Act. That section runs as follows :—

"The term 'elementary school' means a school or department of a school at which elementary education is the principal part of the education there given, and does not include any school or department of a school at which the ordinary payments in respect of the instruction, from each scholar, exceed ninepence a-week."

Some time will doubtless be occupied in obtaining all the information required for insertion in the general form, but with the view of having the special form filled up for each school, and returned to you in due time for the completion of the general form, it will be necessary to make immediate arrangement for ascertaining how many of these special forms you will require for elementary schools as above defined.

This is, therefore, the first point to be attended to ; and my Lords earnestly beg that measures may be at once taken for ascertaining the number of elementary schools within the borough. Your council will bear in mind that the Education Department, in determining the amount of public school accommodation for any district, are required to take into account not only schools in operation, but also those which, when completed, are likely to be efficient and suitable for the population. The promoters of those schools, therefore, which, though commenced, may not be finished on the day when the general return is sent in, will have to fill up, so far as circumstances permit, the same returns as will be made by the schools actually at work. Your preliminary inquiries must accordingly be extended to all the schools within the borough which at the date of your return are either—

1. In operation ; or,
2. In course of being supplied.

If you will fill up the enclosed schedule and return it to this Department as soon as you have ascertained the number of schools under these two heads, the requisite supply of forms will be sent to you.

I am, Sir, your obedient servant,

(Signed) F. R. SANDFORD, Secretary.

To the Town Clerk of the Municipal Borough of ———.

APPENDIX, No. 4.*Form of Return for Boroughs sent to Town Clerks.***Elementary Education Act, 1870.****FORM No. 72, AUGUST, 1870.****MUNICIPAL BOROUGH OF ——————**

General return with respect to the population, rating, and school provision within the municipal limits of the borough.

N.B.—This return is to be strictly confined to the area within the municipal limits of the borough.

If any parish is divided by these limits, the part without the municipal area will be dealt with separately. This return is to include only the parts of such parishes *within that area*.

I. This borough, by the census of 1861, contained ————— inhabitants.

II. It is estimated that the population now amounts to ——————.

III. The ratable value of the borough is :—

(i.) By the last valuation list (dated ——————), £ ——————.
or if there is no such list,

(ii.) By the rate-book now in force (dated ——————), £ ——————.

IV. The number of ratepayers, duly rated under the provisions of the Poor-rate Assessment and Collection Act, 1869, is ——————.

V. The number of elementary schools for which returns are herewith made to the Education Department is ——————.

(a) In operation.

(b) In course of being supplied.

N.B.—It will be very convenient if you can forward with the return a map of the borough with the position of these schools marked upon it.

VI. The number of the schools to which forms of return were delivered, but which have omitted, or refused, to fill them up is ——————.

A list of these schools is filed herewith.

I, the undersigned, Town Clerk of the Borough of ——————, by the authority, and with the approval, of the Town Council of the said Borough, hereby certify to the completeness and accuracy of this general return.

Signed, this — day of ——————, 1870.

————— Town Clerk.

————— (Address.)

APPENDIX, No. 5.

Form of Return for Parishes, &c., sent to Overseers.

Elementary Education Act, 1870.

FORM No. 73. AUGUST, 1870.

Parish, Township, or other place, separately maintaining its own Poor of _____, County of _____.

N.B.—The term "parish" means "a place for which a separate poor rate is, or can be, made" (Education Act, Section 3); it therefore includes parishes (usually so called), townships, hamlets, or any place separately maintaining its own poor.

General Return with respect to the population, rating, and school provision within the limits of the parish:—

- I. This parish, by the Census of 1861, contained _____ inhabitants.
- II. It is estimated that the population now amounts to _____.
- III. It is further estimated that _____* of the population are of the class whose children will attend public elementary schools.
- IV. The ratable value of the parish is—
 (i.) By the last valuation list (dated _____), £_____;
 or, if there is no such list,
 (ii.) By the rate book now in force (dated _____), £_____.
- V. The number of ratepayers duly rated under the provisions of the Poor Rate Assessment and Collection Act, 1869, is _____.
- VI. The number of schools from which RETURNS ARE HEREWITHE MADE† to the Education Department is—
 (a.) In operation _____.
 (b.) In course of being supplied _____.

N.B.—It will be very convenient if you can forward with this Form a tracing of the parish, with the position of these schools, and the chief centres of population, marked upon it.

VII. The number of schools to which forms of return were delivered, but which have omitted, or refused, to fill them up is _____.

A list of these schools is filed herewith.

VIII. There are NO SCHOOLS in the parish; the children attend Schools in the neighbouring parishes of _____, _____, _____.

* Insert the number, or proportion (as six-sevenths, or whatever may be the estimate).

† N.B.—Keep this form till it can be sent back with the returns from the schools in the parish.

If there are no schools, leave vi. and vii. blank, fill up the rest of the form, and return it at once, with the schedule (Form 71e).

We, the undersigned, Overseers of the above-named parish, hereby certify to the completeness and accuracy of this General Return.

Signed this _____ day of _____, 1870.

_____, Overseer.

_____, (Address).

_____, Overseer.

_____, (Address).

FORM No. 71 e, AUGUST, 1870.

Elementary Education Act, 1870.

Parish, Township, or other place, separately maintaining its own Poor of _____, County of _____.

There are _____ * elementary schools within this parish, for which the special forms to be returned to the Education Department will be required; and we request that these forms may be forwarded.

Signed _____ (Overseer).

_____ (Overseer).

(Address) _____

N.B.—This Paper to be folded so as to bring the address outside and posted, without prepayment, as soon as the Number of Schools is ascertained.

To be filled up in the Department.

_____ Forms (75) sent.

ON HER MAJESTY'S SERVICE.

The Secretary,
(Statistical Department),
Education Office,
Whitehall,
London,
S. W.

Parishes. Form 71 e.

* Insert number.

APPENDIX, No. 6.

School Form (No. 75), August, 1870.

EDUCATIONAL RETURN.

Elementary Education Act, 1870.

County of _____

*Parish, Township, Hamlet, or }
 other Place (separately main- }
 taining its own Poor) of ... }* _____

* The Class, as well as the Local Name of the School, should be specified, e.g., THORPE, NATIONAL; OATLANDS, CHURCH OF ENGLAND; LEIGH, BRITISH; &c. The designation given should be full and distinctive (1). *Address (No. and Name }
 of Street, Road, &c.) }* _____ *School.**

TO THE MANAGERS, MASTER, OR MISTRESS OF
THE SCHOOL.

This Return is required in pursuance of the Elementary Education Act of 1870, the object being to collect authentic information with regard to the existing provision for Elementary Education in the Parish. By the 72nd Section of that Act it is provided that, "If the managers or teacher of any school refuse or neglect to fill up the form required for the said Return, or refuse to allow the inspector to inspect the school-house or examine any scholar, or examine the school-books and registers, or make copies or extracts therefrom, such school shall not be taken into consideration among the schools giving efficient elementary education to the district."

It is requested that the particulars specified may be furnished so far as the several questions are applicable to your School; and that you will return this Form to the Overseers of the Parish, with the answers written in ink in the proper columns ON, OR BEFORE THE 1ST DECEMBER, 1870.

If the School is a *Public* or *Private* School (see below), the Form must be shown to the Managers, and signed by at least one of them.

If the School is an *Adventure* School (see below), the Master or Mistress, in case of difficulty about filling up any part of the Form, should consult the nearest Certificated Teacher.

N.B.—*No Return is to be made by any School in which the ordinary Fee exceeds 9d. per Week.*

(1) If the School has no distinctive name, it may be described by reference to the Proprietor, e.g., Mrs. Smith's School.

I.

Is the School—

- i. A *Public School*—i.e., held in premises secured by Deed for Education, with Managers acting under that Deed, who appoint and control the Teacher ?
 or, ii. A *Private School*—i.e., governed by Private Managers, or a Committee, not acting under any Deed?
 or, iii. An *Adventure School*—i.e., conducted by the Teacher at his (or her) own risk, and on his (or her) own responsibility ?.....

If the School is either (ii.) or (iii.)—

- To whom does the Building belong ?
 On what conditions is it occupied ?

II.

With what Religious Denomination (if any) is the School connected ?

III.

Are the Scholars required or expected to attend any special Religious Instruction or particular Place of Worship?

By a Mixed Boys' School is meant a School under a Master in which Girls are instructed with Boys.

By a Mixed Girls' School is meant a School under a Mistress in which Boys are instructed with Girls.

IV.

—	BOYS' (OR MIXED) SCHOOL. GIRLS' (OR MIXED) SCHOOL. INFANT SCHOOL.		
DIMENSIONS IN FEET OF—	Length.	Breadth.	Height.
(1) School-rooms { (a)			
{ (b)			
(2) Class-rooms ... { (c)			
{ (d)			
(3) Do the School premises include (a) Houses for the Teachers ? (b) Separate Offices for Boys and Girls ?			

N.B.—Include in the above Returns any Rooms now in process of Building or Enlargement. Give the dimensions as they will be when the Rooms are Finished or Enlarged.

- (4) Is each of the above Rooms (or will it be) exclusively appropriated to Education?
 If the Answer is No, specify the other use
 (See foot-note.)
- (5) Is each of the above Rooms (or will it be) exclusively furnished for use—
 (a) As a Day-school?
 (b) As a Sunday-school?
 (c) For both?
 (See foot-note.)
- (6) Which of the Rooms (if any) is used for an Evening-school?
 (7) If any new Rooms or Enlargements of existing Rooms are *in contemplation*, specify here (giving dimensions) the exact additions or changes about to be made, and by what date they will be completed
 (8) If this School is not in operation, but in course of being supplied—For how many Children do the Promoters propose to provide accommodation?—
 Boys
 Girls
 Infants
-

No Rooms to be included in the Return except those in which School is (or is to be) kept—e.g., if the Teacher lives in one room and keeps school in another, the latter room only is to be included.

- (4) Answer NO if the Teacher sleeps, takes meals, or follows any trade in the room for teaching, or if Divine Worship, or any occupation except teaching, is (or is to be) carried on in it.
- (5) Answer NO if the room is (or is to be) furnished (wholly or in part) for a trade, for living in, for Divine Worship, or for any other purpose but teaching.

V.

	GIRLS' (OR MIXED) SCHOOL. BOYS' (OR MIXED) SCHOOL. INFANT SCHOOL.
(1) PRINCIPAL TEACHER'S NAMES in full?	
(2) Date of birth?	
(3) How long a Teacher?	
(4) Date at which he (she) took charge of <i>this</i> school	
(5) Whether Certificated by the Committee of Council	
(6) Class of Certificate	
(7) Does this School receive Annual Grants from the Education Department?...	
(8) ATTENDANCE :—	
(1) <i>Day School.</i>	
How many Week-days per Week is the School held	
How many Hours per Week-day	
How many Weeks per Year	
(2) <i>Evening School.</i>	
During what Months held	
On what Nights of the Week	
For how many Hours each Night.....	

A "principal" Teacher is one who acts under the orders of no other Teacher in the same Institution—e. g., there may be three principal Teachers in one Institution, containing separate departments for Boys, Girls, and Infants.

VI.—AGE AND NUMBER OF SCHOLARS.

	BOYS.		GIRLS.	
	Day.	Night.	Day.	Night.
(i.) ON THE ROLL. N.B.— <i>Omit all who have not attended within the last month.</i>				
Under 3 years				
3 and under 6				
6 and under 8				
8 and under 13				
13 and under 21				
21 and upwards				
Total				
(ii.) IN ACTUAL ATTENDANCE ON DAY WHEN RETURN WAS MADE.				
(iii.) WHAT NUMBER OF SCHOLARS NOW ON THE ROLL ATTEND THE SCHOOL— (1) As half-timers				
Or (2) Under any Act regulating the hours of labour.....				

VII.—FEES.

	BOYS.		GIRLS.	
	Day.	Night.	Day.	Night.
No. on the Roll paying per week:				
One penny and less than two pence				
Two pence and less than four pence				
Four pence and less than six pence				
Six pence and less than nine pence				
Nine pence.....				
More than nine pence				
Nothing (<i>i. e.</i> , Free Scholars)..				

VII A.

How many Scholars now on the Roll come from other Parishes?

Boys

Girls

Infants (under 6 years of age)

Name these Parishes—

VIII.—INSTRUCTION.

	Number learning.	
	Day School.	Night School.
How many of the children learn each of the following subjects?		
Reading		
Writing		
Arithmetic.....		
Dictation		
Religious Instruction		
History		
Grammar		
Geography		
Needlework		
Other subjects, if any, specify them.		

IX.

Does the School provide Instruction *only*?

If not,

How many Scholars are lodged ?

How many Scholars are boarded ?

How many Scholars are clothed ?

Is the School a Ragged School, Industrial School, Reformatory, Orphanage, Asylum, or Private Boarding School ?

X.

- Has the School any Income from Endowment?.....
 Of what amount?....
 What is the nature of the Endowment?.....
 Is it alienable—
 (1.) From the School?.....
 (2.) From education?

XL.

<i>Name and Designation (Rev. or Esq.) of Correspondent for School, in full.</i>	<i>Address (sufficient for post from London).</i>
	<i>Post Town.</i> _____

XII.

I (or we) certify the foregoing Return to be as correct as I (or we) have the means of making it.

Signed _____ Managers,
 _____ Governors, or
 _____ Trustees.
 _____ Master.
 _____ Mistress.
 _____ Infants' Mistress.

Dated this _____ day of _____, 1870.

APPENDIX, No. 8.

ELECTORS IN CITIES AND BOROUGHS.

If the number of members to be elected on school boards is made on the basis of population, the following particulars, extracted from a Parliamentary return recently issued, will be interesting:—

RETURN showing, with respect to each of the PARLIAMENTARY CITIES and BOROUGHS in ENGLAND and WALES, the POPULATION in 1861 and the Total Number of ELECTORS on the REGISTER now in Force.

CITIES AND BOROUGHS.	Population in 1861.	No. of Electors on Register.	CITIES AND BOROUGHS.	Population in 1861.	No. of Electors on Register.
Abingdon	5,680	801	Clitheroe.....	10,864	1,595
Andover	5,430	775	Cockermouth	7,057	1,182
Ashton-under-Lyne	33,917	4,822	Colchester	23,809	3,154
Aylesbury	27,090	3,602	Coventry	41,647	7,925
Banbury	10,316	1,524	Cricklade, &c.	36,593	7,305
Barnstaple	10,743	1,596	Darlington	15,789	3,057
Bath	52,528	5,024	Denbigh	17,388	2,785
Beaumaris	13,275	1,944	Derby	43,091	9,240
Bedford	13,413	2,144	Devizes	6,638	858
Berwick-on-Tweed	13,265	1,281	Devonport	64,783	8,374
Beverley	10,368	2,101	Dewsbury	38,790	7,072
Bewdley	7,084	1,043	Dorchester	6,823	638
Birkenhead	51,049	—	Dover	25,325	3,403
Birmingham	296,076	42,880	Droitwich	7,086	1,532
Blackburn	63,126	9,712	Dudley	44,975	no ret.
Bodmin	6,381	886	Durham	14,088	1,603
Bolton	70,395	12,745	Evesham	4,580	716
Boston	17,393	2,531	Exeter	41,749	6,156
Bradford	106,218	21,471	Eye	7,038	1,206
Brecon	5,639	no ret.	Finsbury	387,278	31,759
Bridgnorth	7,399	1,274	Flint	18,845	3,280
Bridgwater	11,320	1,484	Frome	9,522	1,250
Bridport	7,719	1,022	Gateshead	33,587	5,578
Brighton	87,017	8,661	Gloucester	16,512	4,437
Bristol	154,098	21,158	Grantham	11,121	1,974
Buckingham	7,626	948	Gravesend	24,125	2,722
Burnley	37,571	5,805	Greenwich	139,436	15,588
Bury (Lancashire)	37,563	5,589	Great Grimsby	15,060	3,880
Bury St. Edmunds	13,818	1,505	Guildford	8,020	1,220
Calne	5,179	591	Hackney	311,152	40,613
Cambridge	26,361	4,075	Halifax	37,014	9,328
Canterbury	21,324	2,619	Hartlepool, The	27,475	3,022
Cardiff	35,541	5,388	Harwich	5,070	603
Cardigan	11,646	1,561	Hastings	22,910	2,832
Carlisle	29,417	4,537	Haverfordwest	9,821	no ret.
Carmarthen	21,439	3,190	Helston	8,497	1,029
Carnarvon	22,007	no ret.	Hereford	15,585	2,880
Chatham	36,177	4,518	Hertford	6,769	851
Chelsea	173,005	17,408	Horsham	6,747	880
Cheltenham	39,693	3,536	Huddersfield	34,877	11,026
Chester	31,110	6,094	Huntingdon	6,254	976
Chichester	8,059	1,224	Hythe	21,367	2,275
Chippenham	7,075	906	Ipswich	37,950	5,352
Christchurch	9,368	1,329	Kendal	12,029	1,884
Cirencester	6,536	1,076	Kidderminster	15,599	2,466

CITIES AND BOROUGHS.	Popula-tion in 1861.	No. of Elec-tors on Regis-ter.	CITIES AND BOROUGHS.	Popula-tion in 1861.	No. of Elec-tors on Regis-ter.
Kingston-on-Hull.....	97,661	17,146	Rochdale.....	38,184	9,280
King's Lynn	16,170	2,514	Rochester	16,862	2,571
Knaresborough	5,402	766	Rye	8,202	1,153
Lambeth	294,883	38,877	St. Ives	10,353	1,414
Launceston.....	5,140	749	Salford.....	102,449	14,859
Leeds	207,165	37,510	Sandwich	13,750	1,906
Leicester	68,056	15,161	Sarum (New)	12,278	1,516
Leominster	5,658	734	Scarborough	18,877	3,371
Lewes	9,716	1,844	Shaftesbury	8,983	1,311
Lichfield	6,893	1,320	Sheffield	185,172	29,955
Lincoln	20,999	4,157	Shoreham (New), &c.	32,622	4,554
Liskeard	6,555	881	Shrewsbury	22,168	3,881
Liverpool	443,938	39,645	South Shields	35,239	7,011
London (City of)	112,063	20,185	Southampton	46,980	5,437
Ludlow	6,053	749	Southwark	193,593	17,703
Lymington	3,215	680	Stafford	12,532	3,152
Macclesfield	36,101	5,091	Stalybridge	39,890	5,839
Maidstone	28,068	3,214	Stamford	8,047	1,096
Maldon	6,261	1,897	Stockport	54,681	5,702
Malmesbury	6,881	880	Stockton-on-Tees	19,060	4,026
Malton	8,072	1,143	Stoke-on-Trent	101,207	16,199
Manchester	357,979	48,256	Stroud	35,517	5,644
Marlborough	4,813	616	Sunderland	85,797	11,464
Marlow (Great)	6,496	714	Swansea, &c.	57,488	7,543
Marylebone	436,232	35,575	Tamworth	10,192	1,748
Merthyr Tydvil	83,875	14,577	Taunton	14,867	1,977
Middlesborough	26,560	5,332	Tavistock	8,857	859
Midhurst	6,405	995	Tewkesbury	5,876	745
Monmouth	30,577	3,771	Thirsk	5,350	902
Montgomery	18,036	2,559	Tiverton	10,447	1,155
Morpeth	18,714	1,698	Tower Hamlets	336,693	32,546
Newark	11,515	1,803	Truro	11,337	1,435
Newcastle-under-Lyme	12,988	3,038	Tynemouth	34,021	2,601
Newcastle-on-Tyne	109,108	18,565	Wakefield	23,150	3,615
Newport (Isle of Wight)	7,954	965	Wallingford	7,794	944
Northallerton	4,755	807	Walsall	37,760	6,047
Northampton	32,813	6,619	Wareham	6,694	783
Norwich	74,891	18,296	Warrington	26,947	4,470
Nottingham	74,693	14,168	Warwick	10,570	1,688
Oldham	94,344	18,456	Wednesbury	105,517	15,612
Oxford	27,560	5,000	Wenlock	21,590	3,445
Pembroke	21,773	3,028	Westbury	6,495	1,046
Penrhyn & Falmouth	14,485	1,584	Westminster	254,623	18,879
Peterborough, &c....	11,735	2,461	Weymouth	11,383	1,378
Petersfield	5,655	750	Whitby, &c.	12,051	2,058
Plymouth	62,589	4,840	Whitehaven	18,842	2,495
Pontefract	11,736	1,910	Wigan	37,658	4,885
Poole	9,759	1,418	Wilton	8,657	981
Portsmouth	94,789	11,597	Winchester	14,776	1,688
Preston	82,985	11,812	Windsor	9,520	1,777
Radnor (New)	7,106	841	Wolverhampton	147,670	15,772
Reading	25,045	3,229	Woodstock	7,827	1,127
Retford (East)	47,330	7,510	Worcester	81,227	5,642
Richmond	5,134	650	Wycombe	8,373	1,388
Eipon	6,172	1,182	York	45,385	9,088

Total Number of Electors on the Registers..... 1,203,170

APPENDIX, No. 8.

TABLE of the TEN METROPOLITAN DISTRICTS mentioned in schedule 5, p. 71, with the POPULATION in 1861, and the schedules under the Local Management Act, 1855 :—

Sche- dule.	Parishes, Districts, or Parts.	Parliamentary Divisions.	Popula- tion.
A	Marylebone, St.	MARYLEBONE ...	161,680
"	Pancras, St.	"	198,788
"	Paddington	"	75,784
A	Islington—St. Mary	FINSBURY	155,341
"	Clerkenwell—St. James and St. John	"	65,681
"	Middlesex—St. Luke	"	57,073
B	Stoke Newington—St. Mary ...	"	6,608
"	ST. GILES DISTRICT :—		
"	Bloomsbury—St. Giles and St. George	"	54,076
"	Holborn—St. Andrew and St. George-the-Martyr	"	32,251
"	St. Sepulchre	"	4,609
"	Liberty of Saffron Hill.....	"	7,148
"	Liberty of Glasshouse Yard...	"	1,455
C	EXTRA PAROCHIAL :—		
"	Charterhouse	"	255
"	Gray's Inn	"	308
"	Lincoln's Inn	"	47
"	Staple Inn	"	42
"	Furnivall's Inn	"	202
A	Lambeth—St. Mary	LAMBETH	162,044
"	Newington—St. Mary	"	82,220
"	Camberwell—St. Giles	"	71,488
A	Tower Hamlets—St. George's in-the-East.....	TOWER HAMLETS	48,891
"	Mile End Old Town	"	73,064
B	WHITECHAPEL DISTRICT :—		
"	Whitechapel—St. Mary	"	37,454
"	Christ Church, Spitalfields ..	"	20,593
"	St. Botolph Without, Aldgate.	"	4,000
"	Holy Trinity, Minories.....	"	420
"	Precinct of St. Katharine.....	"	208
"	Mile End New Town.....	"	10,845
"	Liberty of Norton Folgate ...	"	1,873
"	Old Artillery Ground.....	"	2,168
"	Tower District	"	1,409

APPENDIX No. 8—continued.

B	LIMEHOUSE DISTRICT :—	TOWER HAMLETS	
"	Limehouse—St. Anne	"	27,161
"	Wapping—St. John	"	4,038
"	Shadwell—St. Paul	"	8,499
"	Ratcliff, Hamlet of.....	"	16,874
B	POPLAR DISTRICT :—		
"	Poplar—All Saints.....	"	43,529
"	Stratford-le-Bow.....	"	11,586
"	Bromley—St. Leonard	"	24,081
A	Shoreditch—St. Leonard	HACKNEY	129,364
"	Bethnal Green—St. Matthew,	"	105,101
B	HACKNEY DISTRICT	"	76,687
A	Hanover Square—St. George ..	WESTMINSTER ..	87,711
"	Westminster—St. James	"	35,326
"	St. Martin-in-the-Fields	"	22,689
B	WESTMINSTER DISTRICT :—		
	St. Margaret and St. John ...	"	67,890
A	STRAND DISTRICT :—		
"	Soho—St. Anne	"	17,426
"	Covent Garden—St. Paul.....	"	5,154
B	Savoy, Precinct of	"	380
B	St. Mary-le-Strand.....	"	2,072
"	St. Clement Danes.....	"	15,592
"	Rolls, Liberty of.....	"	2,274
C	EXTRA PAROCHIAL :—		
"	The Close of the Collegiate Church of St. Peter	"	323
A	Southwark — St. George-the- Martyr	SOUTHWARK.....	55,510
"	Bermondsey—St. Mary Magda- lene	"	58,355
B	Rotherhithe—St. Mary.....	"	24,502
B	ST. SAVIOUR'S DISTRICT :—		
"	Christ Church.....	"	17,069
"	St. Saviour and the Clink Liberty	"	19,101
B	ST. OLAVE DISTRICT :—		
"	St. Olave	"	6,197
"	St. Thomas	"	1,466
"	Horsleydown	"	11,393
A	City of London	CITY	111,784
C	EXTRA PAROCHIAL :—		
"	Inner Temple	"	148
"	Middle Temple	"	81

APPENDIX NO. 8—continued.

A	Chelsea—St. Luke	CHELSEA	63,439
"	Kensington—St. Mary Abbott's	"	70,108
B	FULHAM DISTRICT:—		
"	Hammersmith—St. Peter and }	"	24,519
"	St. Paul	"	
"	Fulham.....	"	15,539
A	Woolwich.....	GREENWICH	41,695
B	GREENWICH DISTRICT:—		
"	Deptford — St. Paul (and }	"	37,834
"	Hatcham)	"	
"	Ditto— St. Nicholas	"	8,139
"	Greenwich	"	40,002
B	PLUMSTEAD DISTRICT:—		
"	Charlton next-Woolwich	"	8,472
"	Plumstead	"	24,502
B	LEWISHAM DISTRICT:—		
"	Lewisham (including Syden-	"	22,808
"	ham Chapelry)	"	
"	Penge, Hamlet of	"	5,015
A	Hampstead—St. John		19,106
B	WANDSWORTH DISTRICT:—		
"	Clapham		20,894
"	Tooting Graveneys		2,055
"	Streatham		8,027
"	Battersea—St. Mary (exclud-	"	19,600
"	ing Penge)	"	
"	Wandsworth		13,346
"	Putney (including Roehamp-	"	6,481
"	ton)	"	
B	PLUMSTEAD DISTRICT:—		
"	Eltham		3,009
"	Lee		6,162
"	Kidbrook		804

NOTE.—In the City of London the Local Rate is the Consolidated Rate, and the Rating Authority the Commissioners of Sewers.

In the parishes marked A and in the districts marked B in the above Table the Local Rate is the General Rate; and the Rating Authority, in the parishes is the Vestry, and in the Districts the District Board.

In the places marked C the Local Rate is the Rate Levied for the Purposes of the Metropolitan Poor Act, 1867, and any Act amending the same; and the Rating Authority is the masters of the bench, treasurer, governors, or other persons who have the chief control or authority in such place.

APPENDIX, No. 9.

FORM OF GRANT OF SALE FOR SCHOOL.

School Sites Act, 4 and 5 Vict., c. 38, sec. 10.

"Be it enacted that all grants, conveyances, and assurances of any site for a school, or the residence of a schoolmaster or schoolmistress, under the provisions of this Act, in respect of any land, messuages, or buildings, may be made according to the form following, or as near thereto as the circumstances of the case will admit; (that is to say,) .

"I, [or we, or the corporate title of a corporation], under the authority of an Act passed in the year of the reign of Her Majesty Queen Victoria, intituled 'An Act for affording further Facilities for the Conveyance and Endowment of Sites for Schools,' do hereby freely and voluntarily, and without any valuable consideration [or do, in consideration of the sum of , to me or us or the said paid,] grant, [alienate,] and convey to , all [description of the premises], and all [my or our or the right, title, and interest of the] to and in the same and every part thereof, to hold unto and to the use of the said , and his or their [heirs or executors or administrators or successors], for the purposes of the said Act, and to be applied as a site for a school for poor persons of and in the parish of , and for the residence of the schoolmaster [or schoolmistress] of the said school, [or for other purposes of the said school], and for no other purpose whatever; such school to be under the management and control of [set forth the mode in which and the persons by whom the school is to be managed, directed, and inspected]. [In case the school be conveyed to trustees, a clause providing for the renewal of the trustees, and in cases where the land is purchased, exchanged, or demised, usual covenants or obligations for title, may be added.] In witness whereof the conveying and other parties have hereunto set their hands and seals this day of .
 "Signed, sealed, and delivered by the said , in the presence of , of .

"And no bargain and sale or livery of seisin shall be requisite in any conveyance intended to take effect under the provisions of this Act, nor more than one witness to the execution by each party."

APPENDIX, No. 10.

MORTGAGE OF RATES.

Commissioners' Clauses Act, 10th Vict., cap. 16.

SCHEDULE (B).

FORM OF MORTGAGE.

By virtue of [here name the special Act], we [here name the corporation, if the commissioners be incorporated, or if not incorporated, five of the commissioners], appointed in pursuance of the said Act, in consideration of the sum of — paid to the treasurer to the said commissioners by A.B., of —, for the purposes of the said Act, do grant and assign unto the said A.B., his executors, administrators, and assigns, such proportion of the rates, rents, profits, and other moneys arising or accruing by virtue of the said Act from [here describe the rates or other property proposed to be mortgaged] as the said sum of — doth or shall bear to the whole sum which is or shall be borrowed upon the credit of the said rates, rents, profits, or moneys, to hold to the said A.B., his executors, administrators, and assigns, from this day until the said sum of —, with interest at — per centum per annum for the same, shall be fully paid and satisfied (the principal sum to be repaid at the end of — years from the date hereof [*in case any period be agreed upon for that purpose*]). Given under our corporate seal [or, in witness whereof we have hereunto set our hands and seals], this — day of —, one thousand eight hundred and —.

SCHEDULE (C).

FORM OF TRANSFER OF MORTGAGE.

I, A.B., of —, in consideration of the sum of — paid to me by C.D., of —, do hereby transfer to the said C.D., his executors, administrators, and assigns, a certain mortgage, No. —, made by "The commissioners for executing the [here name the special Act], to —, bearing date the — day of —, for securing the sum of — and — interest [or, if such transfer be by endorsement, the within security], and all my right, estate, and interest in and to the money thereby secured, and in and to the rates, rents, profits, or other moneys thereby assigned. In witness whereof I have hereunto set my hand and seal this — day of —, one thousand eight hundred and —.

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